



भारत का राजपत्र

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No. 8] NEW DELHI, FEBRUARY 19—FEBRUARY 25, 2012, SATURDAY/MAGHA 30—PHALGUNA 6, 1933

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 31 जनवरी, 2012

का. आ. 705.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परीक्षण न्यायालयों तथा अपीलों, पुनरीक्षणों या विधि द्वारा स्थापित या अपीलीय न्यायालयों में इन मामलों से उत्पन्न अन्य मामलों जो कि दिल्ली विशेष युलिस स्थापना (सीबीआई) द्वारा संस्थापित किए गए हैं, स्थानीय क्षेत्र जिसमें संपूर्ण झारखण्ड राज्य सम्मिलित है, में अभियोजन मामलों का संचालन करने के लिए निमोनिक वकीलों को के.अ.ब्यूरो के लोक अभियोजक के रूप में नियुक्त करती है :—

1. श्री मुकेश कुमार सिंह
2. सुनील सरवत जाफरी

[सं. 202/5/2011-एवीडी-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 31st January, 2012

S.O. 705.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Jharkhand instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :—

1. Shri Mukesh Kumar Sinha
2. Ms. Sarwat Jafri

[No. 202/5/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 31 जनवरी, 2012

का. आ. 706.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परीक्षण न्यायालयों तथा अपीलों, पुनरीक्षणों या विधि द्वारा स्थापित या अपीलीय न्यायालयों में इन मामलों से उत्पन्न अन्य मामलों जो कि दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थापित किए गए हैं, स्थानीय क्षेत्र जिसमें संपूर्ण कर्नाटक राज्य सम्मिलित है, में अभियोजन मामलों का संचालन करने के लिए निम्नोक्त वकीलों को क.अ.ब्यूरो के लोक अभियोजक के रूप में नियुक्त करती है :—

1. श्रीमती जी. निर्मला
2. श्री बी. एन. गोवड़ा
3. श्री एस. शिवाली

[सं. 202/5/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 31st January, 2012

S.O. 706.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Karnataka instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :—

1. Smt. G Nirmala
2. Shri B. Anne Gowda
3. Shri S. S. Shivalli

[No. 202/5/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 2 फरवरी, 2012

का. आ. 707.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्नलिखित अपराधों एवं अपराधों की श्रेणियों का दिल्ली विशेष पुलिस स्थापना के द्वारा अनुसंधान करने हेतु उल्लिखित करती है :

(क) विदेशी अंशदान (विनियमन) विधेयक, 2010 (2010 की अधिनियम संख्या 42) के अंतर्गत दण्डनीय अपराध ।
 (ख) उपर्युक्त अपराध/अपराधों के संबंध में प्रयासों, दुष्प्रेरणों तथा घटयत्रों तथा उस संव्यवहार के अनुक्रम में किए गए अपराध/अपराधों या उन्हीं तथ्यों से उद्भूत मामले ।

[फा. सं. 228/68/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 2nd February, 2012

S.O. 707.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are to be investigated by the Delhi Special Police Establishment namely:—

- (a) Offences punishable under the Foreign Contribution (Regulation) Act, 2010 (Act No. 42 of 2010) and
- (b) Attempt, abetment and conspiracy in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/68/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 7 फरवरी, 2012

का. आ. 708.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पश्चिम बंगाल राज्य सरकार, गृह (राजनीतिक) विभाग, गुप्त अनुभाग, कोलकाता की दिनांक 3-11-2011 की अधिसूचना सं. 1650-पी.एस. द्वारा प्राप्त सहमति से पीईसी लिमिटेड, एक सार्वजनिक क्षेत्र उपक्रम के वेयरहाउसिंग गोडाउन से मै. प्रीमैक्स इम्पैक्स लिमिटेड, 'आजिमगंग हाउस', 7, कैमक स्ट्रीट, कोलकाता-17 द्वारा कैनेडियन यलो पीज को कथित रूप में अप्राधिकृत रूप से हटाने के संबंध में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 406, 420, 380 और 120-बी के अधीन पुलिस स्टेशन-रैक्सपीयर सारनी में दर्ज अपराध सं. 98/2011 दिनांक 26-3-2011 तथा उपर्युक्त अपराधों के संबंध में या उससे संबद्ध प्रयास, दुष्प्रेरण तथा घटयत्र तथा उसी संव्यवहार में किया गया अन्य कोई अपराध/अपराधों या उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध/अपराधों का अन्वेषण करने के संबंध में दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार संपूर्ण पश्चिम बंगाल राज्य के संबंध में करती है ।

[फा. सं. 228/75/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 7th February, 2012

S.O. 708.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of West Bengal, Home (Political) Department, Secret Section, Kolkata vide Notification No. 1650-P.S. dated 03-11-2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police

Establishment to the whole of the State of West Bengal for Inquiry/investigation of Crime No. 98/2011 dated 26-03-2011 under Sections 406, 420, 380 and 120-B of the Indian Penal Code, 1860 (Act No.45 of 1860) registered at Police Station Shakespeare Sarani relating to alleged unauthorized removal of Canadian Yellow Peas by M/s. Primex Limited, 'Azingang House', 7, Camac Street, Kolkata-17 from the Warehousing godown of PEC Limited, a public sector undertaking and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद शुल्क के आयुक्त का कार्यालय)

तिरुनेल्वेली, 31 जनवरी, 2012

सं. 01/2012-सीमा शुल्क (एन.टी.)

का. आ. 709.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खंड (अ) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1-7-1994 की अधिसूचना सं. 33/94 सीमा शुल्क (एन.टी.) के तहत अधोहस्ताक्षरी को प्रदत्त शक्तियों का प्रयोग करते हुए मैं, अधोहस्ताक्षरी एतद्वारा तमिलनाडु राज्य में विरुद्धनगर जिले, शिवकाशी तालुक, पुडुकोट्टै गांव को 100% नियांतोमुख यूनिट स्थापित करने के सीमित प्रयोजन के लिए सीमा शुल्क अधिनियम, 1962 की धारा 9 के अधीन भांडागार केंद्र घोषित करता हूँ।

[फा. सी. सं. IV/16/65/2011-तक.]

एस. सुब्रमणियन, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE)

Tirunelveli, the 31st January, 2012

No. 01/2012-Customs (NT)

S.O. 709.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus(N.T.) dated 01-07-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I, the undersigned, hereby declare Pudukottai village, Sivakasi Taluk, Virudhunagar District in the state of Tamil Nadu to be a Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100 % Export Oriented Units.

[F.C.No. IV/16/65/2011-Tech.]

S. SUBRAMANIAN, Commissioner

(केन्द्रीय उत्पाद शुल्क, पुणे-1 के आयुक्त का कार्यालय)

पुणे, 13 जनवरी, 2012

सं. 01/2012-सी. शु. (एन.टी.)

का. आ. 710.—वित्त मंत्रालय, राजस्व विभाग नई दिल्ली, द्वारा दिनांक 1-7-1994 को जारी अधिसूचना संख्या-33/94-सी.शु. (एन.टी) यथासंशोधित और दिनांक 30-6-2004 को जारी अधिसूचना संख्या-83/2004-सी.शु. (एन.टी) द्वारा प्रत्यायोजित, सीमा शुल्क अधिनियम, 1962 की धारा 9 के अधीन मुझे प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा ग्राम-नेरे (दत्तवाड़ी), तालुक मुलशी, जिला पुणे, महाराष्ट्र को सीमा शुल्क अधिनियम, 1962 की धारा 9 के अधीन, भारत सरकार की मान्यता प्राप्त राष्ट्रीय प्रतिशत नियांत लक्ष्यी उपक्रम स्थापित करने के सीमित प्रयोजन के लिए वेअरहाऊसिंग स्टेशन घोषित कर रहा हूँ।

[फा. सं. बीजोएन(19)196/ईओयू/तक./11]

मधु मोहन दामोधर, आयुक्त

(OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE: PUNE-I)

Pune, the 13th January, 2012

No. 01/2012-Customs (NT)

S.O. 710.—In exercise of the powers conferred under Section 9 of the Customs Act, 1962 delegated by Notification No. 33/94-Cus(NT) dated 1-7-1994 as amended and No. 83/2004-CUS(NT) dated 30-6-2004 issued by the Ministry of Finance, Department of Revenue, New Delhi, I hereby declare Village-Nere(Dattawadi), Tal Mulshi, Dist. Pune, Maharashtra as a warehousing station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% Export Oriented Undertakings as approved by the Government of India.

[F. No. VGN (19)196/EOU/Tech/11]

MADHU MOHAN DAMODHAR, Commissioner

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 10 फरवरी, 2012

का. आ. 711.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 6 की उपधारा (1) के खण्ड (ण) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, "स्वचालित टेलर मशीनों पर भारतीय रिजर्व बैंक, भारतीय प्रतिभूति विनियम बोर्ड, बीमा विनियामक विकास प्राधिकरण और पेंशन निधि विनियामक और विकास प्राधिकरण द्वारा तथ की गई विनियामक संरचना के अनुरूप वित्तीय उत्पादों के प्रदर्शन" व्यवसाय के ऐसे रूप में विनिर्दिष्ट करती है जिसके अंतर्गत एक बैंककारी कंपनी के लिए इनका प्रयोग करना विधिसम्मत है।

[फा. सं. 11/16/2011-एफआई (पार्ट)]

अरुण के. मिश्रा, अवर सचिव

(Department of Financial Services)

New Delhi, the 10th February, 2012

S.O. 711.—In exercise of the powers conferred by clause (o) of sub-section (1) of Section 6 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby specifies “display of financial products conforming to the regulatory framework as provided by RBI, SEBI, IRDA and PFRDA, on the Automated Teller Machines” as a form of business in which it is lawful for a banking company to engage.

[F. No. 11/16/2011-FI (Part)]

ARUN K. MISRA, Under Secy.

नई दिल्ली, 13 फरवरी, 2012

का. आ. 712.—राष्ट्रीयत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड(1)के साथ पठित, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, इलाहाबाद बैंक के महाप्रबन्धक श्री दीपक नारंग (जन्म तिथि 29-3-1955) को 1-3-2012 को या उसके बाद उनके पदभार ग्रहण करने की तारीख से 31-3-2015 तक अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, यूनाइटेड बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 13th February, 2012

S.O. 712.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Deepak Narang (DoB: 29-03-1955), General Manager, Allahabad Bank as Executive Director, United Bank of India, with effect from the date of his taking over charge of the post on or after 01-03-2012 till 31-03-2015, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 21 फरवरी, 2012

का. आ. 713.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एस. सरकार, प्रबंध निदेशक, भारतीय जीवन बीमा निगम को 17 फरवरी, 2012 से उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, उक्त निगम के सदस्य के रूप में नियुक्त करती है।

[फा. सं. ए-15011/05/2011-बीमा-I]

प्रिया कुमार, निदेशक (बीमा)

New Delhi, the 21st February, 2012

S.O. 713.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri S. Sarker, Managing Director, Life Insurance Corporation of India as a Member of the said Corporation with effect from 17th February, 2012 till the date of his superannuation or till further orders, whichever is earlier.

[F. No. A-15011/05/2011-Ins. I]

PRIYA KUMAR, Director (Insurance)

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 16 फरवरी, 2012

का. आ. 714.—राजनयिक और कोंसलीय ऑफिसर (शपथ भ्राता फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में, केन्द्र सरकार एतद्वारा श्री प्रवीण कुमार शर्मा, सहायक का 16-2-2012 से भारत के राजदूतावास, कुवैत में सहायक कोंसलर अधिकारी के कर्तव्यों का भालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2006]

आर. के. पेरिन्डिया, अवर सचिव (कोंसलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 16th February, 2012

S.O. 714.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Praveen Kumar Sharma, Assistant, Embassy of India, Kuwait to perform the duties of Assistant Consular Officer with effect from 16th February, 2012.

[No. T-4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

योजना मंत्रालय
(योजना आयोग)
नई दिल्ली, 9 फरवरी, 2012

का. आ. 715.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, एतद्वारा योजना आयोग के सम्बद्ध कार्यालय भारतीय विशिष्ट पहचान प्राधिकरण (मुख्यालय), जिसके 80% से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. ई-12018/5/98-हिन्दी]

डॉ. नागेश सिंह, सलाहकार

MINISTRY OF PLANNING

(Planning Commission)

New Delhi, the 9th February, 2012

S.O. 715.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Unique Identification Authority of India (Headquarters), an attached office of Planning Comission, more than 80% of the officers/staff whereof have acquired the working knowledge of Hindi.

[No. E-12018/5/98-Hindi]

Dr. NAGESH SINGH, Adviser

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 23 नवम्बर, 2011

का. आ. 716.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में—

“डीवाई पाटील विश्वविद्यालय, कोल्हापुर, महाराष्ट्र” के समक्ष शीर्षक ‘मान्यता प्राप्त चिकित्सा अर्हता’ [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कॉलम (3) के रूप में संदर्भित] के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

(2)

“मास्टर ऑफ सर्जरी (ऑथोपेडिक्स) ”

(3)

एम एस (ऑथोपेडिक्स)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डी.वाई. पाटील मेडिकल कॉलेज, कोल्हापुर, महाराष्ट्र, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डी.वाई. पाटील विश्वविद्यालय, कोल्हापुर, महाराष्ट्र, द्वारा 1998 में अथवा उसके बाद प्रदान की गई हो)।

(ख) “शिवाजी विश्वविद्यालय, कोल्हापुर, महाराष्ट्र” के समक्ष शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कॉलम (3) के रूप में संदर्भित] के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (एनिस्थीसिया) ”

एम डी (एनिस्थीसिया)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्नेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में शिवाजी विश्वविद्यालय, कोल्हापुर, महाराष्ट्र द्वारा 1993 में अथवा उसके बाद प्रदान की गई हो)।

“डिप्लोमा इन एनिस्थीसिया”

डीए

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्नेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में शिवाजी विश्वविद्यालय, कोल्हापुर, महाराष्ट्र द्वारा 1992 में अथवा उसके बाद प्रदान की गई हो)।

(2)

(3)

“मास्टर ऑफ सर्जरी (नेत्र विज्ञान) ”**एम एस (नेत्र विज्ञान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में शिवाजी विश्वविद्यालय, कोल्हापुर, महाराष्ट्र द्वारा 1983 में अथवा उसके बाद प्रदान की गई हो)।

“डिप्लोमा इन ऑफथैल्मोलॉजी ”**डीओ**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में शिवाजी विश्वविद्यालय, कोल्हापुर, महाराष्ट्र द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो)।

“डिप्लोमा इन चाइल्ड हेल्थ”**डीसीएच**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में शिवाजी विश्वविद्यालय, कोल्हापुर, महाराष्ट्र द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो)।

(ग) “महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक” के समक्ष शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (एनिस्थीसिया) ”**एम डी (एनिस्थीसिया)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा 1993 में अथवा उसके बाद प्रदान की गई हो)।

“डिप्लोमा इन एनिस्थीसिया”**डीए**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा 1992 में अथवा उसके बाद प्रदान की गई हो)।

“मास्टर ऑफ सर्जरी (नेत्र विज्ञान) ”**एम एस (नेत्र विज्ञान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा 1983 में अथवा उसके बाद प्रदान की गई हो)।

“नेत्र विज्ञान में डिप्लोमा”**डीओ**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो)।

(2)

(3)

"डिप्लोमा इन चाइल्ड हैल्थ"**डीसीएच**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कॉलेज, मिराज, नासिक महाराष्ट्र, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो)।

"डिप्लोमा इन चाइल्ड हैल्थ"**डीसीएच**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

"नेत्र विज्ञान डिप्लोमा"**डीओ**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

"स्त्री रोग विज्ञान एवं प्रसूति विज्ञान में डिप्लोमा"**डीजीओ**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

"त्वचा विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग में डिप्लोमा"**डीडीवीएल**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जुलाई, 2011 में अथवा उसके बाद प्रदान की गई हो)।

"डिप्लोमा इन ऑर्थोपीडिक्स"**डीआर्थो.**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

"चिकित्सा विकिरण निदान में डिप्लोमा"**डीएमआरडी**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

(2)

(3)

“मनोवैज्ञानिक चिकित्सा में डिप्लोमा”**डीपीएम**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वसंतराव पवार मेडिकल कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, नासिक, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर ऑफ मेडिसिन (सामुदायिक चिकित्सा)”**एमडी (सामुदायिक चिकित्सा)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह महाराष्ट्र आयुर्विज्ञान एवं अनुसंधान संस्थान, तालुर, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर ऑफ मेडिसिन (विकिरण निदान)”**एमडी (विकिरण निदान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एनीकेपी साल्वे आयुर्विज्ञान संस्थान एवं अनुसंधान केन्द्र, नागपुर, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जुलाई, 2011 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर ऑफ मेडिसिन (त्वचा विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग)”**एमडी (डीवीएल)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एनीकेपी साल्वे आयुर्विज्ञान संस्थान एवं अनुसंधान केन्द्र, नागपुर, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो)।

“डिप्लोमा इन ऑर्थोपीडिक्स”**डी. आर्थो.**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एनीकेपी साल्वे आयुर्विज्ञान संस्थान एवं अनुसंधान केन्द्र, नागपुर, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जुलाई, 2011 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर ऑफ मेडिसिन (प्रतिरक्षा रूधिर विज्ञान एवं रक्ताधान)”**एमडी (प्रतिरक्षा रूधिर विज्ञान एवं रक्ताधान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह आर्ड फोर्सेज मेडिकल कॉलेज, पुणे, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा जून, 2010 में अथवा उसके बाद प्रदान की गई हो)।

- सभी के लिए टिप्पणी : 1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरान्त इसका नवीकरण कराना होगा।
 2. मान्यता को उप-खंड 4 को आवश्यकता के अनुसार समय पर नवीकरण न कराए जाने पर संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश निरपवाद रूप से बंद हो जाएंगे।

[सं. यू. 12012/86/2011-एमई-(पी-II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 23rd November, 2011

S.O. 716. —In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby, makes the following further amendments in the First Schedule to the said Act, due to change of nomenclature of the qualification namely :

in the said Schedule ...

(a) against "D.Y. Patil University, Kolhapur, Maharashtra" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Orthopaedics)"	MS (Orthopaedics) (This shall be a recognised medical qualification when granted by D. Y. Patil University, Kolhapur, Maharashtra in respect of students being trained at D. Y. Patil Medical College, Kolhapur, Maharashtra on or after 1998.)
"Doctor of Medicine (Anaesthesia)"	MD (Anaesthesia) (This shall be a recognised medical qualification when granted by Shivaji University, Kolhapur, Maharashtra in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1993).
"Diploma in Anaesthesia"	DA (This shall be a recognised medical qualification when granted by Shivaji University, Kolhapur, Maharashtra in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1992).
"Master of Surgery (Ophthalmology)"	MS (Ophthalmology) (This shall be a recognised medical qualification when granted by Shivaji University, Kolhapur, Maharashtra in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1983).
"Diploma in Ophthalmology?"	DO (This shall be a recognised medical qualification when granted by Shivaji University, Kolhapur, Maharashtra in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1981).
"Diploma in Child Health"	DCH (This shall be a recognised medical qualification when granted by Shivaji University, Kolhapur, Maharashtra in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1981).

(c) against "Maharashtra University of Health Sciences, Nashik" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Anaesthesia)"

MD (Anaesthesia)

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1993).

"Diploma in Anaesthesia"

DA

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1992).

"Master of Surgery (Ophthalmology)"

MS (Ophthalmology)

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1983).

"Diploma in Ophthalmology"

DO

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1981).

"Diploma in Child Health"

DCH

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj, Maharashtra on or after 1981).

"Diploma in Child Health"

DCH

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after June, 2011).

"Diploma in Ophthalmology"

DO

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after June, 2011).

"Diploma in Gynaecology & Obstetrics"

DGO

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after June, 2011).

(2)

(3)

“Diploma in Dermatology, Venrology & Leprosy”**DDVL**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after July, 2011).

“Diploma in Orthopaedics”**D. Ortho.**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after June, 2011).

“Diploma in Medical Radio Diagnosis”**DMRD**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after June, 2011).

“Diploma in Psychological Medicine”**DPM**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Vasantrao Pawar Medical College, Hospital & Research Centre, Nashik, Maharashtra on or after June, 2011).

“Doctor of Medicine (Community Medicine)”**MD (Community Medicine)**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Maharashtra Institute of Medical Sciences & Research, Latur, Maharashtra on or after June, 2011).

“Doctor of Medicine (Radio Diagnosis)”**MD (Radio Diagnosis)**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at NKP Salve Institute of Medical Sciences & Research Centre, Nagpur, Maharashtra on or after July, 2011).

“Doctor of Medicine (Dermatology, Venrology & Leprosy”**MD (DVL)**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at NKP Salve Institute of Medical Sciences & Research Centre, Nagpur, Maharashtra on or after June, 2011).

“Diploma in Orthopaedics”**D. Ortho.**

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at NKP Salve Institute of Medical Sciences & Research Centre, Nagpur, Maharashtra on or after July, 2011).

(2)

(3)

"Doctor of Medicine (Immunohaematology & Transfusion)"

MD (Immunohaematology & Blood Transfusion)"
 (This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Armed Forces Medical College, Pune, Maharashtra on or after June, 2010).

- Note to all:** 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U.12012/86/2011-ME (P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 3 जनवरी, 2012

का. आ. 717.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करने के बाद, एतद्वारा अहंता की नामपद्धति के बदलाव के कारण उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

(क) "उस्मानिया विश्वविद्यालय, आन्ध्र प्रदेश" के समक्ष शीर्षक 'मान्यता प्राप्त चिकित्सा अहंता' [इसके आगे कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके आगे कॉलम (3) के रूप में संदर्भित] के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:—

(2)

(3)

"डॉक्टर ऑफ मेडीसिन (कार्डियोलोजी)"

डीएम (कार्डियोलोजी)

(यह एक मान्यताप्राप्त चिकित्सा अहंता होगी जब यह गांधी मेडिकल कॉलेज, हैदराबाद, आन्ध्र प्रदेश, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में उस्मानिया विश्वविद्यालय, आन्ध्र प्रदेश द्वारा वर्ष 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ख) "डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अहंता' [इसके आगे कॉलम (2) के रूप में संदर्भित] के अन्तर्गत शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके आगे कॉलम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:—

"डॉक्टर ऑफ मेडीसिन (कार्डियोलोजी)"

डीएम (कार्डियोलोजी)

(यह एक मान्यताप्राप्त चिकित्सा अहंता होगी जब यह गांधी मेडिकल कॉलेज, हैदराबाद, आन्ध्र प्रदेश, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा वर्ष 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ग) "गुवाहाटी विश्वविद्यालय, असम" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अहंता' [इसके आगे कॉलम (2) के रूप में संदर्भित] के अन्तर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके आगे कॉलम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:—

"डॉक्टर ऑफ मेडीसिन (न्यूरोलोजी)"

डीएम (न्यूरोलोजी)

(यह एक मान्यताप्राप्त चिकित्सा अहंता होगी जब यह गुवाहाटी मेडिकल कॉलेज, गुवाहाटी, असम, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में गुवाहाटी विश्वविद्यालय, असम द्वारा वर्ष 2011 में अथवा उसके पश्चात् प्रदान की गई हो)।

[संख्या ३०११]

"भाजिस्थार औफ चिरुरजिया (कार्डियो थोरासिस एंड
मेडिकल कॉलेज, गुवाहाटी, असम, में प्रशिक्षित किए जा रहे विद्यार्थियों
के संबंध में गुवाहाटी विश्वविद्यालय, असम द्वारा वर्ष 2011 में अथवा
उसके पश्चात् प्रदान की गई हो)।

एम. सी. एच. (सीटीबीएस)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गुवाहाटी
मेडिकल कॉलेज, गुवाहाटी, असम, में प्रशिक्षित किए जा रहे विद्यार्थियों
के संबंध में गुवाहाटी विश्वविद्यालय, असम द्वारा वर्ष 2011 में अथवा
उसके पश्चात् प्रदान की गई हो)।

(प्र.) "गुरु गोविन्द सिंह इन्द्रप्रस्थ विश्वविद्यालय, नई दिल्ली" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके आगे कॉलम
(१) के रूप में संदर्भित] के अंतर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके आगे कॉलम (३) के रूप में संदर्भित] के अंतर्गत, अंतिम
मंवर्धित प्रविष्टि के बाद निर्मालींबत अन्तःस्थापित किया जाएगा, अर्थात् :—

"डांकर औफ मेडीसिन (पैथोलॉजी)"

एमडी (पैथोलॉजी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह स्नातकोत्तर
चिकित्सा शिक्षा एवं अनुसंधान संस्थान, डा. आरएमएल अस्पताल,
नई दिल्ली, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में गुरु
गोविन्द सिंह इन्द्रप्रस्थ विश्वविद्यालय, नई दिल्ली द्वारा वर्ष 2011 में
अथवा उसके पश्चात् प्रदान की गई हो)।

"डांकर औफ मेडीसिन (डर्माटोलॉजी, नेनरालोजी एंड लेप्रोजी)" एमडी (डीबीएल)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह स्नातकोत्तर
चिकित्सा शिक्षा एवं अनुसंधान संस्थान, डा. आरएमएल अस्पताल,
नई दिल्ली, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में गुरु
गोविन्द सिंह इन्द्रप्रस्थ विश्वविद्यालय, नई दिल्ली द्वारा वर्ष 2011 में
अथवा उसके पश्चात् प्रदान की गई हो)।

"सुमनदीप विद्यापीठ, वडोदरा, गुजरात" में डिप्लोमा"

डॉडीबीएल

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह स्नातकोत्तर
चिकित्सा शिक्षा एवं अनुसंधान संस्थान, डा. आरएमएल अस्पताल,
नई दिल्ली, में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में गुरु
गोविन्द सिंह इन्द्रप्रस्थ विश्वविद्यालय, नई दिल्ली द्वारा वर्ष 2011 में
अथवा उसके पश्चात् प्रदान की गई हो)।

(द.) "मुमनदीप विद्यापीठ, वडोदरा, गुजरात" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके आगे कॉलम (२) के रूप में
संदर्भित] के अंतर्गत, शीर्षक 'पंजीकरण : लिए संक्षेपण' [इसके बाद कॉलम (३) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे
मंवर्धित प्रविष्टि के बाद निर्मालींबत अन्तःस्थापित किया जाएगा, अर्थात् :—

"डिप्लोमा इन क्रिनिकल (पैथोलॉजी)"

डीसीपी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब श्रीमती बी.के.
शाह मेडिकल संस्थान एवं अनुसंधान केन्द्र, वडोदरा, गुजरात, में
प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में सुमनदीप विद्यापीठ,
वडोदरा, गुजरात द्वारा वर्ष 2011 में अथवा उसके पश्चात् प्रदान की
गई हो)।

"डिप्लोमा इन आर्थोपेडिक्स"

डी. ओर्थो

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब श्रीमती बी.के.
शाह मेडिकल संस्थान एवं अनुसंधान केन्द्र, वडोदरा, गुजरात, में
प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में सुमनदीप विद्यापीठ,
वडोदरा, गुजरात द्वारा वर्ष 2011 में अथवा उसके पश्चात् प्रदान की
गई हो)।

“क्षय रोग व छाती रोग में डिस्लोमा”

डीटीसीडी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह श्रीमती बी.के. साह मेडिकल इंस्टीट्यूट एंड रिसर्च सेंटर, बड़ोदरा, गुजरात में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में सुननदीप विद्यापीठ, बड़ोदरा, गुजरात द्वारा वर्ष 2011 में अथवा उसके बाद प्रदान की गई हो)।

(च) “केरल विश्वविद्यालय, केरल” के समक्ष शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन/मास्टर ऑफ सर्जरी
(प्रसूति एवं स्त्री रोग विज्ञान)”

एमडी/एमएस (ओबीजी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह टीडी मेडिकल कालेज, अल्फापुद्धा, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में केरल विश्वविद्यालय, केरल द्वारा वर्ष 2003 में अथवा उसके बाद प्रदान की गई हो)।

(छ) “महात्मा गांधी विश्वविद्यालय, कोट्टायम” केरल के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (रेडियोथेरेपी)”

एमडी (रेडियोथेरेपी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गवर्मेंट मेडिकल कालेज, कोट्टायम केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में महात्मा गांधी विश्वविद्यालय, कोट्टायम केरल द्वारा वर्ष 2011 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ज) “बंगलौर विश्वविद्यालय, बंगलौर” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“मास्टर ऑफ सर्जरी (जनरल सर्जरी)”

एमएस (जनरल सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. बी.आर. अम्बेडकर मेडिकल कालेज, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में बंगलौर विश्वविद्यालय, बंगलौर, कर्नाटक द्वारा अप्रैल, 1995 से अगस्त, 1999 तक प्रदान की गई हो)।

(झ) “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“मास्टर ऑफ सर्जरी (जनरल सर्जरी)”

एमएस (जनरल सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. बी.आर. अम्बेडकर मेडिकल कालेज, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, द्वारा सितम्बर, 1999 में अथवा उसके पश्चात् प्रदान की गई हो)।

"मास्टर ऑफ सर्जरी (जनरल सर्जरी)"

एमएस (जनरल सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एमबीजे मेडिकल कॉलेज एंड रिसर्च अस्पताल बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, द्वारा वर्ष 2011 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ज) "शिवाजी विश्वविद्यालय, महाराष्ट्र" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

"मास्टर ऑफ सर्जरी (आर्थोपेडिक्स)"

एमएस (आर्थो.)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वी.एम. मेडिकल कॉलेज, सोलापुर, महाराष्ट्र, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में शिवाजी विश्वविद्यालय, महाराष्ट्र, द्वारा 1981 से जून, 2000 तक प्रदान की गई हो)।

"डिप्लोमा इन आर्थोपेडिक्स"

डी. आर्थो.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वी.एम. मेडिकल कॉलेज, सोलापुर, महाराष्ट्र, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में शिवाजी विश्वविद्यालय, महाराष्ट्र, द्वारा वर्ष 1980 से जून, 2000 तक प्रदान की गई हो)।

(ट) "महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक महाराष्ट्र" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

"मास्टर ऑफ सर्जरी (आर्थोपेडिक्स)"

एमएस (आर्थो.)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वी.एम. मेडिकल कॉलेज, सोलापुर, महाराष्ट्र, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा वर्ष जून, 2000 में अथवा उसके पश्चात् प्रदान की गई हो)।

"डिप्लोमा इन आर्थोपेडिक्स"

डी. आर्थो.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डॉ. वी.एम. मेडिकल कॉलेज, सोलापुर, महाराष्ट्र, में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा वर्ष जून, 2000 में अथवा उसके पश्चात् प्रदान की गई हो)।

"डॉक्टर ऑफ मेडिसिन (पेडियाट्रिक्स)"

एमडी (पेडियाट्रिक्स)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एसीपीएम मेडिकल कॉलेज, धूले, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा वर्ष 2010 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ठ) "राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके बाद कालम (3) के रूप में संदर्भित], के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

"डॉक्टर ऑफ मेडिसिन (कम्प्यूनिटी मेडिसिन)"**एम. डी (कम्प्यूनिटी मेडिसिन)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एम. पी. मेडिकल कालेज, बीकानेर, राजस्थान में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बन्ध में राजस्थान मण्डल विज्ञान विश्वविद्यालय, जयपुर द्वारा वर्ष 1981 में अर्थत्रा उत्तरके यशान प्रदान की गई हो।)

(ड) "डॉ. आरएमएल अवध विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश" के समक्ष शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' (इसका एम. कॉलम (2) के रूप में संदर्भित) के अंतर्गत, शीर्षक 'पंजीकरण के लिए संक्षेपण' (इसके बाद कालम (3) के रूप में संदर्भित), के अंतर्गत प्रविष्टि अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :

"डॉक्टर ऑफ मेडिसिन (जनरल मेडिसिन)"**एम. डी (जनरल मेडिसिन)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब इग लखनऊ मेडिकल कालेज व अस्पताल, लखनऊ, उत्तर प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बन्ध में डॉ. आरएमएल अवध विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश द्वारा वर्ष [20] में अर्थत्रा उत्तर पश्चात् प्रदान की गई हो।)

- सभी के लिए टिप्पणी :**
- स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि व वर्ती के बिंदु होगी जिसके सूरक्षा इसका नवीकरण करना होगा।
 - उप-खंड 4 में यथा अपेक्षित मान्यता को समय पर नवीकरण करवाने में विकल्प होने के पाराम्भस्थल पर्याप्त स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

[सं. यू. 12012-104/2011-एमई (वी. II)]

अनिता विपाठो, अवार सचिव

New Delhi, the 3rd January, 2012

S.O.717.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change of nomenclature of the qualification namely.

In the said Schedule —

(a) against "Osmania University, Andhra Pradesh" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely: -

(2)

(3)

"Doctor of Medicine(Cardiology)"

DM (Cardiology)

(This shall be a recognised medical qualification when granted by Osmania University, Andhra Pradesh in respect of students being trained at Gandhi Medical College, Hyderabad, Andhra Pradesh on or after 1981).

(b) against "Dr. NTR University of Health Sciences, Vijayawada" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:

"Doctor of Medicine(Cardiology)"

DM (Cardiology)

(This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad, Andhra Pradesh on or after 1981).

(c) against "Gauhati University, Assam" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine (Neurology)"	DM (Neurology) (This shall be a recognised medical qualification when granted by Gauhati University, Assam in respect of students being trained at Gauhati Medical College, Guwahati, Assam on or after 2011).
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"Magistrar of Chirurgiae(Cardio Thoracic & Vascular Surgery)"	M.Ch. (CTVS) (This shall be a recognised medical qualification when granted by Gauhati University, Assam in respect of students being trained at Gauhati Medical College, Guwahati, Assam on or after 2011).
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(d) against "Guru Gobind Singh Indraprastha University, New Delhi" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine (Pathology)"	MD (Pathology) (This shall be a recognised medical qualification when granted by Guru Gobind Singh Indraprastha University, New Delhi in respect of students being trained at Postgraduate Institute of Medical Education & Research, Dr. RML Hospital, New Delhi on or after 2011).
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"Doctor of Medicine (Dermatology, Venerology & Leprosy)"	MD(DVL) (This shall be a recognised medical qualification when granted by Guru Gobind Singh Indraprastha University, New Delhi in respect of students being trained at Postgraduate Institute of Medical Education & Research, Dr. RML Hospital, New Delhi on or after 2011).
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"Diploma in Dermatology, Venerology & Leprosy"	— MD(DVL) (This shall be a recognised medical qualification when granted by Guru Gobind Singh Indraprastha University, New Delhi in respect of students being trained at Postgraduate Institute of Medical Education & Research, Dr. RML Hospital, New Delhi on or after 2011).
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(e) against "Sumandeep Vidyapeeth, Vadodara, Gujarat" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Diploma in Clinical Pathology"	DCP (This shall be a recognised medical qualification when granted by Sumandeep Vidyapeeth, Vadodara, Gujarat in respect of students being trained at Dr. B.K. Shah Medical Institute & Research Centre Vadodara, Gujarat on or after 2011).
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"Diploma in Orthopaedics"

D.Ortho.

(This shall be a recognised medical qualification when granted by Sumandeep Vidyapeeth, Vadodara, Gujarat in respect of students being trained at Smt. B.K. Shah Medical Institute & Research Centre, Vadodara, Gujarat on or after 2011).

"Diploma in Tuberculosis & Chest Diseases"

DTCD

(This shall be a recognised medical qualification when granted by Sumandeep Vidyapeeth, Vadodara, Gujarat in respect of students being trained at Smt. B.K. Shah Medical Institute & Research Centre, Vadodara, Gujarat on or after 2011).

(f) against "Kerala University, Kerala" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine/Master of Surgery(Obstetrics & Gynaecology)"

MD/MS(OBG)

(This shall be a recognised medical qualification when granted by Kerala University, Kerala in respect of students being trained at T.D. Medical College, Alappuzha, Kerala on or after 2003).

(g) against "Mahatma Gandhi University, Kottayam, Kerala" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine (Radiotherapy)"

MD (Radiotherapy)

(This shall be a recognised medical qualification when granted by Mahatma Gandhi University, Kottayam, Kerala in respect of students being trained at Govt. Medical College, Kottayam, Kerala on or after 2011).

(h) against "Bangalore University, Bangalore" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Master of Surgery (General Surgery)"

MS (General Surgery)

(This shall be a recognised medical qualification when granted by Bangalore University, Bangalore, Karnataka in respect of students being trained at Dr. B.R. Ambedkar Medical College, Bangalore, Karnataka on or after April, 1995 to August, 1999).

(i) against "Rajiv Gandhi University of Health Sciences, Bangalore" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Master of Surgery(General Surgery)"

MS (General Surgery)

(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Dr. B.R. Ambedkar Medical College, Bangalore, Karnataka on or after September, 1999).

“Master of Surgery(General Surgery)”

MS (General Surgery)

(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka in respect of students being trained at M.V.J. Medical College & Research Hospital, Bangalore, Karnataka on or after 2011.

(j) against "Shivaji University, Maharashtra" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

“Master of Surgery(Orthopaedics)”

MS (Ortho.)

(This shall be a recognised medical qualification when granted by Shivaji University, Maharashtra in respect of students being trained at Dr. V.M. Medical College, Solapur, Maharashtra on or after 1981 to June, 2000.

“Diploma in Orthopaedics”

D.Ortho.

(This shall be a recognised medical qualification when granted by Shivaji University, Maharashtra in respect of students being trained at Dr. V.M. Medical College, Solapur, Maharashtra on or after 1980 to June, 2000.

k) against "Maharashtra University of Health Sciences, Nashik, Maharashtra" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

“Master of Surgery(Orthopaedics)”

MS (Ortho.)

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students being trained at Dr. V.M. Medical College, Solapur, Maharashtra on or after June, 2000.

“Diploma in Orthopaedics”

D. Ortho.

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students being trained at Dr. V.M. Medical College, Solapur, Maharashtra on or after June, 2000.

“Doctor of Medicine (Paediatrics)”

MD (Paediatrics)

(This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students being trained at A.C.P.M. Medical College, Dhule, Maharashtra on or after 2010.

(l) against “Rajasthan University of Health Sciences, Jaipur” under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine(Community Medicine)"

MD (Community Medicine)

(This shall be a recognised medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at S.P. Medical College, Bikaner, Rajasthan on or after 1981.

(m) against "Dr. RML Avadh University, Faizabad, Uttar Pradesh" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

"Doctor of Medicine(General Medicine)"

MD(General Medicine)

(This shall be a recognised medical qualification when granted by Dr. RML Avadh University, Faizabad, Uttar Pradesh in respect of students being trained at Era's Lucknow Medical College & Hospital, Lucknow, Uttar Pradesh on or after 2011.

Note to all: 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.

2. Failure to seek timely renewal of recognition as required in sub-clause (4) shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U.12012/104/2011-ME (P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 10 जनवरी, 2012

का.आ.718.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद, अहंता की नामावली में परिवर्तन हो जाने के कारण उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में —

(क) "गुवाहाटी विश्वविद्यालय, असम" के समक्ष "मान्यता प्राप्त चिकित्सा अहंता" [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और "पंजीकरण के लिए संक्षेपण" [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

2

3

"मजिस्ट्रार आफ चिरुरगई (प्लास्टिक सर्जरी)"

एमसीएच (प्लास्टिक सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अहंता होगी जब यह गुवाहाटी मेडिकल कॉलेज, गुवाहाटी, असम में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में गुवाहाटी विश्वविद्यालय, असम द्वारा वर्ष 2011 में अथवा उसके बाद प्रदान की गई हो।)

(ख) "राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर" के समक्ष "मान्यता प्राप्त चिकित्सा अहंता" [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और "पंजीकरण के लिए संक्षेपण" [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

"स्नी रोग विज्ञान और प्रसूति विज्ञान में डिप्लोमा"

डीजीओ

(यह एक मान्यताप्राप्त चिकित्सा अहंता होगी जब यह नवांदय मंडिकल कॉलेज रायचूर कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी स्वास्थ्य विश्वविद्यालय, बंगलौर, कर्नाटक द्वारा वर्ष 2011 में अथवा उसके बाद प्रदान की गई हो।)

(ग) “डॉ. आर.एम.एल. अवधि विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश” के समक्ष “मान्यता प्राप्त चिकित्सा अर्हता” [इसके बाद कॉलम (2) के रूप में संदर्भित] शोषक के अंतर्गत और “पंजीकरण के लिए संक्षेपण” [इसके बाद कॉलम (3) के रूप में संदर्भित] शोषक के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

“डिप्लोमा इन मेडिकल रेडियो डायग्नोसिस”

डॉ.एम.आर.डी.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह ईराज लखनऊ मेडिकल कॉलेज तथा अस्पताल लखनऊ, उत्तर प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में डॉ. आर. एम. एल. अवधि विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश द्वारा वर्ष 2011 में अथवा उसके बाद प्रदान की गई हो।)

- सभी के लिए टिप्पणी :**
1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरान्त इसका नवीकरण कराना होगा।
 2. मान्यता को उप-खंड (4) की आवश्यकता के अनुसार समय पर नवीकरण में विफल होने के परिणामस्वरूप संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

[सं. यू. 12012/01/2012-एमई (पी-II)]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 10th January, 2012

S.O. 718.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change of nomenclature of the qualification namely :—

In the said Schedule—

(a) against “Gauhati University, Assam” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Magistrar of Chirurgiae(Plastic Surgery)”	M. Ch (Plastic Surgery) (This shall be a recognised medical qualification when granted by Gauhati University, Assam in respect of students being trained at Gauhati Medical College, Guwahati, Assam on or after 2011.)

(b) against “Rajiv Gandhi University of Health Sciences, Bangalore” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely : ...

“Diploma in Gynaecology and Obstetrics”	DGO (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after 2011.)
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(c) against “Dr. RML Avadh University, Faizabad, Uttar Pradesh” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Diploma in Medical Radio Diagnosis"**DMRD**

(This shall be a recognised medical qualification when granted by Dr. RML Avadh University, Faizabad, Uttar Pradesh in respect of students being trained at Era's Lucknow Medical College & Hospital, Lucknow, Uttar Pradesh on or after 2011.

Note to all :

1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
2. Failure to seek timely renewal of recognition as required in sub-clause (4) shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No.U.12012/1/2012-ME(P. II)]

ANITA TRIPATHI, Under Secy.

संशोधन

नई दिल्ली, 10 जनवरी, 2012

का.आ. 719.—केन्द्र सरकार, इस विभाग के दिनांक 21-9-2011 की अधिसूचना सं. यू. 12012/57/2011-एमई (पी-2) के क्रम में और भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद उक्त अधिनियम की प्रभम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में,—

(क) "केरल स्वास्थ्य तथा संबद्ध विज्ञान विश्वविद्यालय, त्रिसूर, केरल" के समक्ष "मान्यता प्राप्त चिकित्सा अर्हता" (कॉलम (2) और शीर्षक "पंजीकरण के लिए संक्षेपण" [कॉलम (3)] के अंतर्गत एमबीबीएस अर्हता प्रदान कर रहे निम्नलिखित महाविद्यालयों/संस्थानों को निकाल दिया माना जाएगा :—

1. श्री नारायण आयुर्विज्ञान संस्थान, चलकका, केरल।
2. के एम सी टी मेडिकल कॉलेज, मानाससररी, मुक्काम, कोझीकोड़।
3. करुणा मेडिकल कॉलेज, पलक्कड़, चित्तौर, केरल
4. मालावार मेडिकल कॉलेज, कोझीकोड़, केरल
5. अजीजिया आयुर्विज्ञान तथा अनुसंधान संस्थान, मीयानूर, कोल्लम, केरल।
6. त्रावणकोर मेडिकल कॉलेज, कोल्लम, केरल।

[सं. यू. 12012/57/2011-एमई (पी-II)]

अनिता त्रिपाठी, अवर सचिव

CORRIGENDUM

New Delhi, the 10th January, 2012

S.O. 719.—In continuation to this Department's Notification No.U.12012/57/2011-ME(P.II) dated 21.9.2011, and in exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule -

against "Kerala University of Health & Allied Sciences, Thrissur, Kerala", under heading "Recognised Medical Qualifications" (column 2) and heading 'Abbreviation for Registration' (column 3), the names of the following medical colleges/institutes granting MBBS qualification shall be treated as deleted:

1. Sree Narayana Institute of Medical Sciences, Chalakka, Kerala
2. KMCT Medical College, Manasserry, Mukkam, Kozhikode
3. Karuna Medical College, Palakkad, Chittor, Kerala

4. Malabar Medical College, Kozhikode, Kerala
5. Azeezia Institute of Medical Sciences & Research, Meeyanoor, Kollam, Kerala
6. Travancore Medical College, Kollam, Kerala

[U.12012/57/2011-ME(P-II)]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 10 जनवरी, 2012

का.आ. 720.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद संबद्ध विश्वविद्यालय के नाम में परिवर्तन के कारण उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) “महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र” के समक्ष “मान्यता प्राप्त चिकित्सा अर्हता” [इसके बाद कॉलम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और “पंजीकरण के लिए संक्षेपण” [इसके बाद कॉलम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

2	3
“डॉक्टर ऑफ मेडिसिन (चर्म, रजित तथा कुष्ठ रोग विज्ञान)”	एमडी (डीवीएल) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एन. के. पी. साल्वे आयुर्विज्ञान तथा अनुसंधान संस्थान, नागपुर, महाराष्ट्र में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा जून, 2011 में अथवा उसके बाद प्रदान की गई हो।)
सभी के लिए टिप्पणी :	<ol style="list-style-type: none"> 1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरान्त इसका नवीकरण कराना होगा। 2. मान्यता को उप-खंड 4 की आवश्यकता के अनुसार समय पर नवीकरण में विफल होने के परिणामस्वरूप संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

[सं. यू. 12012/106/2011-एमई (पी-II)]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 10th January, 2012

S.O. 720.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change in name of affiliating University, namely:—

(a) against "Maharashtra University of Health Sciences, Nashik, Maharashtra" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
"Doctor of Medicine(Dermatology, Venereology & Leprosy)"	MD(DVL)

This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students being trained at N.K.P. Salve Institute of Medical Sciences & Research, Nagpur, Maharashtra on or after June, 2011.

Note to all : 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.

2. Failure to seek timely renewal of recognition as required in sub-clause (4) shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U. 12012/106/2011-ME (P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 10 जनवरी, 2012

का.आ. 721.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय चिकित्सा परिषद् से परामर्श करने के बाद अहता की नाम पद्धति में परिवर्तन के कारण उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) “गुरु गोबिन्द सिंह विश्वविद्यालय, नई दिल्ली के समक्ष शीर्षक” ‘मान्यताप्राप्त चिकित्सा अहता’ [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत शीर्षक “पंजीकरण के लिए संक्षेपण” [इसके बाद कॉलम (3) के रूप में संदर्भित] के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतःस्थापित किया जाएगा, अर्थात् :—

2	3
“डॉक्टर ऑफ मेडिसिन (जनरल मेडिसिन)”	एमडी (जनरल मेडिसिन) (यह एक मान्यताप्राप्त चिकित्सा अहता होगी जब यह स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, डॉ आर. एम. एल. अस्पताल, नई दिल्ली में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में गुरु गोबिन्द सिंह इन्ड्रप्रस्थ विश्वविद्यालय, नई दिल्ली द्वारा अप्रैल, 2011 में अथवा उसके बाद प्रदान की गई हो।)
“डॉक्टर ऑफ मेडिसिन (संवेदनाहरण)”	एमडी (संवेदनाहरण) (यह एक मान्यताप्राप्त चिकित्सा अहता होगी जब यह स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, डॉ आर. एम. एल. अस्पताल, नई दिल्ली में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में गुरु गोबिन्द सिंह इन्ड्रप्रस्थ विश्वविद्यालय, नई दिल्ली द्वारा अप्रैल, 2011 में अथवा उसके बाद प्रदान की गई हो।)
“डिप्लोमा इन चाइल्ड हैल्थ”	डीसीएच (यह एक मान्यताप्राप्त चिकित्सा अहता होगी जब यह स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, डॉ आर. एम. एल. अस्पताल, नई दिल्ली में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में गुरु गोबिन्द सिंह इन्ड्रप्रस्थ विश्वविद्यालय, नई दिल्ली द्वारा अप्रैल, 2011 में अथवा उसके बाद प्रदान की गई हो।)
“डॉक्टर ऑफ मेडिसिन (विकिरण निदान)”	एम डी (विकिरण निदान) (यह एक मान्यताप्राप्त चिकित्सा अहता होगी जब यह पंडित दीनदयाल मेडिकल कॉलेज, राजकोट, गुजरात में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में सौराष्ट्र विश्वविद्यालय, राजकोट, गुजरात द्वारा 2004 में अथवा उसके बाद प्रदान की गई हो।)
“राजीष गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर”	के समक्ष शीर्षक “मान्यताप्राप्त चिकित्सा अहता” [इसके बाद कॉलम (2) के रूप में संदर्भित] के अंतर्गत शीर्षक “पंजीकरण के लिए संक्षेपण” [इसके बाद कॉलम (3) के रूप में संदर्भित] के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतःस्थापित किया जाएगा, नामतः :—

"डिप्लोमा ऑफ मेडिसिन (सूक्ष्म जीव विज्ञान)" एम डी (सूक्ष्म जीव विज्ञान)
 (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह के.वी.जी. मेडिकल कॉलेज, सुल्लिया, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा 2011 में अथवा उसके बाद प्रदान की गई हो।)

- सभी के लिए टिप्पणी :**
1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरान्त इसका नवीकरण कराना होगा।
 2. मान्यता को उप-खंड (4) की आवश्यकता के अनुसार समय पर नवीकरण न कराए जाने पर संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

[सं. यू. 12012/105/2012-एमई(पी-II)]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 10th January, 2012

S.O. 721.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change of nomenclature of the qualification namely:—

In the said Schedule—

(a) against "Guru Gobind Singh Indraprastha University, New Delhi" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under, the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
"Doctor of Medicine(General Medicine)"	MD(General Medicine) (This shall be a recognised medical qualification when granted by Guru Gobind Singh Indraprastha University, New Delhi in respect of students being trained at Postgraduate Institute of Medical Education & Research, Dr. RML Hospital, New Delhi on or after April, 2011.)
"Doctor of Medicine(Anaesthesia)"	MD (Anaesthesia) (This shall be a recognised medical qualification when granted by Guru Gobind Singh Indraprastha University, New Delhi in respect of students being trained at Postgraduate Institute of Medical Education & Research, Dr. RML Hospital, New Delhi on or after April, 2011.)
-"Diploma in Child Health"	DCH (This shall be a recognised medical qualification when granted by Guru Gobind Singh Indraprastha University, New Delhi in respect of students being trained at Postgraduate Institute of Medical Education & Research, Dr. RML Hospital, New Delhi on or after April, 2011.)

(b) against "Saurashtra University, Rajkot, Gujarat" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine(Radio Diagnosis)"

MD(Radio Diagnosis)

(This shall be a recognised medical qualification when granted by Saurashtra University, Rajkot, Gujarat in respect of students being trained at Pt. Deen Dayal Medical College, Rajkot, Gujarat on or after 2004.

(c) against "Rajiv Gandhi University of Health Sciences, Bangalore" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

"Doctor of Medicine(Microbiology)"

MD(Microbiology)

(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at K.V.G. Medical College, Sullia, Karnataka on or after 2011.

- Note to all:**
1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
 2. Failure to seek timely renewal of recognition as required in sub-clause (4) shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U. 12012/105/2011-ME(P-II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 24 जनवरी, 2012

का.आ. 722.—केन्द्र सरकार द्वांत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, स्वास्थ्य और परिवार कल्याण मंत्रालय की भारत सरकार की अधिसूचना सं. का.आ. 430, दिनांक 24 जनवरी, 1984 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

2. उक्त अधिसूचना में शीर्षक “धारा 3 के परंतुक के साथ पठित खंड (च) के अंतर्गत नामांकित” के अधीन क्रम संख्या 6 एवं उससे संबंधित प्रविष्टियों के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

“6. “डॉ. प्राण नाथ कौल

नामांकित केन्द्र सरकार

17-1-2012”

विजयनगर, लेन-2,

मकान नं. 12, कैम्प रोड,

तालाब टिल्लो, जम्मू

[फा. सं. वी. 12013/2/2009-डीई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 24th January, 2012

S.O. 722.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430, dated 24th January, 1984, namely :—

In the said notification under head "Nominated under clause (f) read with proviso to Section 3" for serial No.6 and the entries relating thereto, the following shall be substituted therein, namely :—

“6. Dr. Pran Nath Koul
Vijay Nagar, Lane-2
H.No.12,
Camp Road, Talab Tillo, Jammu

Nominated Central Government

17-1-2012”

[F. No. V. 12013/2/2009-DE]

ANITA TRIPATHI, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

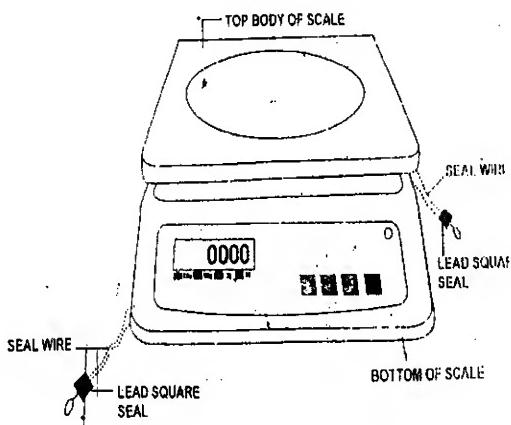
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 723.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता वनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिकास इंजीनियरिंग्स, 9 ब्लॉक के पीछे, भानपुरी, रायपुर (छत्तीसगढ़) पिन-493221, छत्तीसगढ़ द्वारा विनिर्भित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एमआईटीटी-II” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “फोटांस” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/463 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूट्रतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलय युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित अधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्भित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(282)/2010]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 31st October, 2011

S.O. 723.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "MITT-JI" and with brand name "PHOTONS" (hereinafter referred to as the said model), manufactured by M/s. Micas Engineering, Behind 9 Block, Bhanpuri, Raipur (CG) Pin-493221, Chhattisgarh and which is assigned the approval mark IND/09/10/463;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

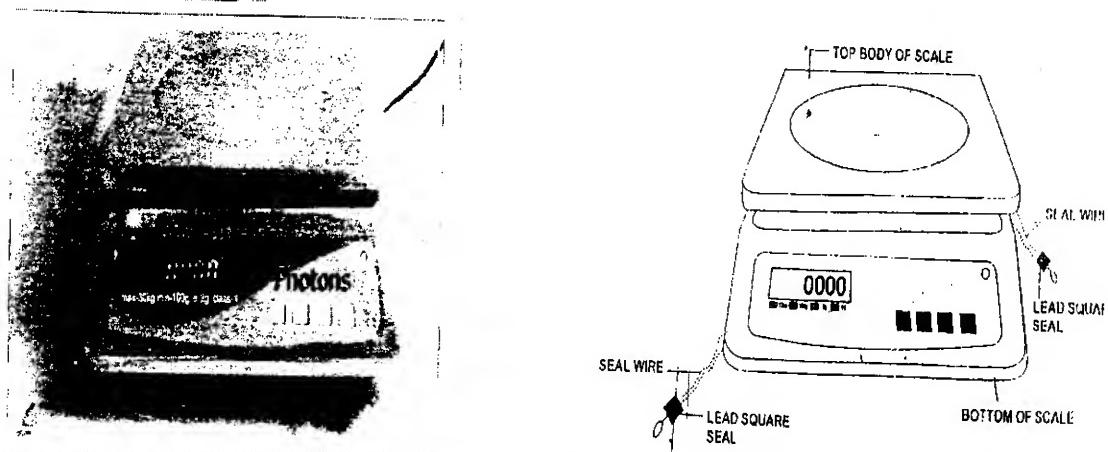


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2010]
B. N. DIXIT, Director of Legal Metrology

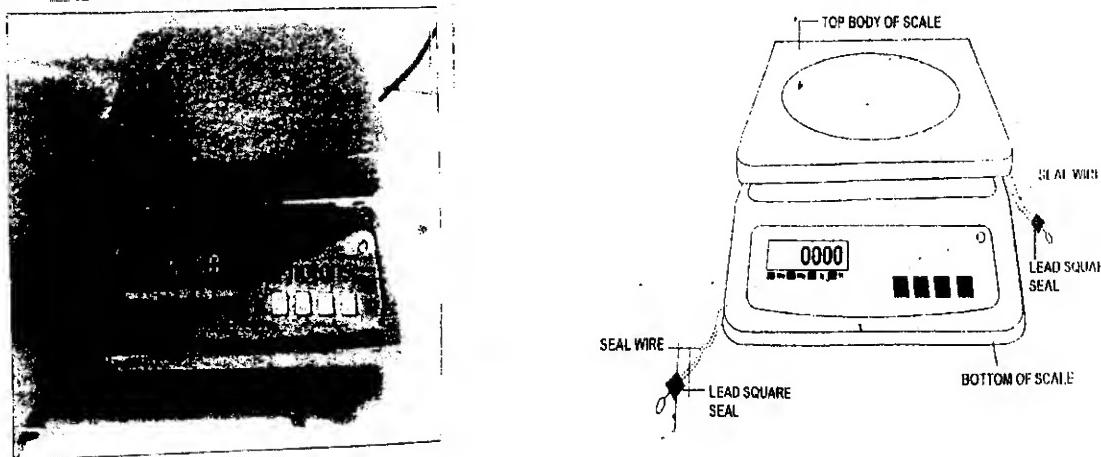
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 724.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स मिकास इंजीनियरिंग्स, 9 ब्लाक के पीछे, भानपुरी, रायपुर (छत्तीस गढ़) पिन-493221, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एमआईटीटी-III” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “फोटांस” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/464 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(282)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 724.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "MITT-III" and with brand name "PHOTONS" (hereinafter referred to as the said model), manufactured by M/s. Micas Engineerings, Behind 9 Block, Bhanpuri, Raipur (CG) Pin-493221, Chhattisgarh and which is assigned the approval mark IND/09/10/464;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

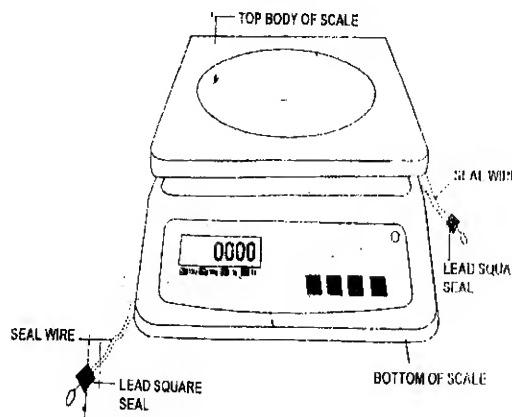
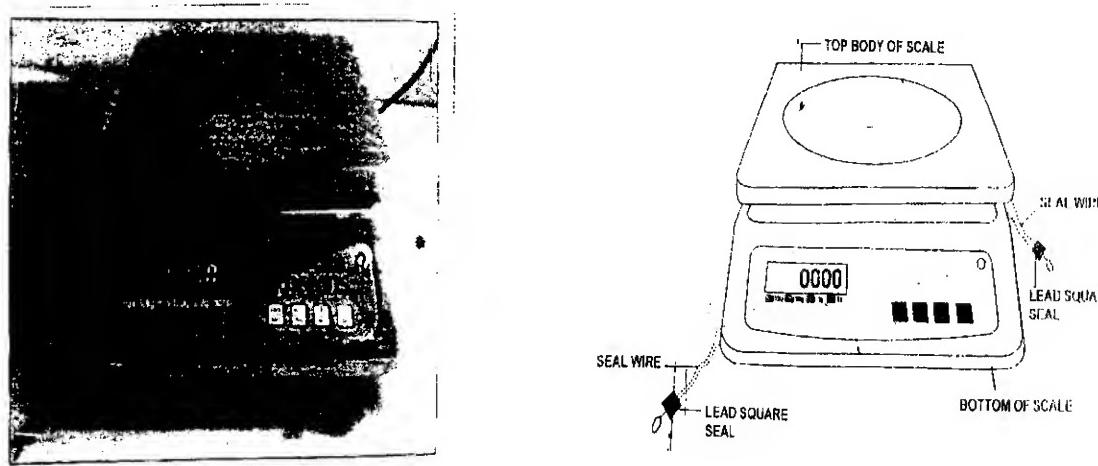


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1 mg to 2 g and with verification scale interval (n) in the range of 5000 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2010]

B. N. DIXIT, Director of Legal Metrology .

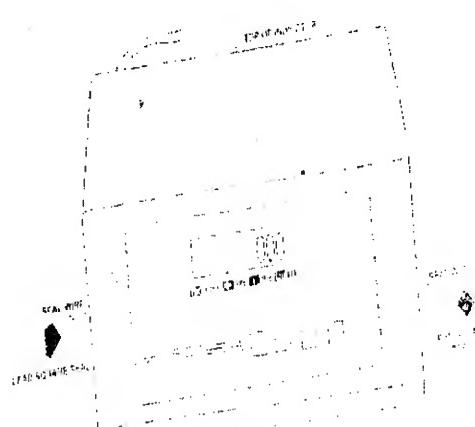
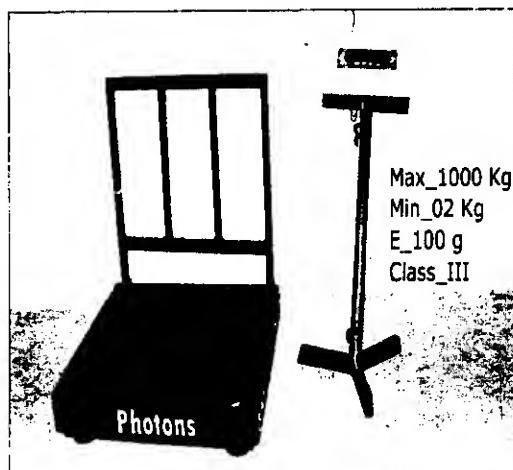
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 725.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिकास इंजीनियरिंग्स, 9 ब्लाक के पीछे, भानपुरी, रायपुर (छत्तीसगढ़) पिन-493221, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एमआईपीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “फोटोंस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/465 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - ।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k , 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(282)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 725.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "MIPF" and with brand name "PHOTONS" (hereinafter referred to as the said model), manufactured by M/s. Micas Engineering, Behind 9 Block, Bhanpuri, Raipur (CG) Pin-493221, Chhattisgarh and which is assigned the approval mark IND/09/10/465;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (*e*) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

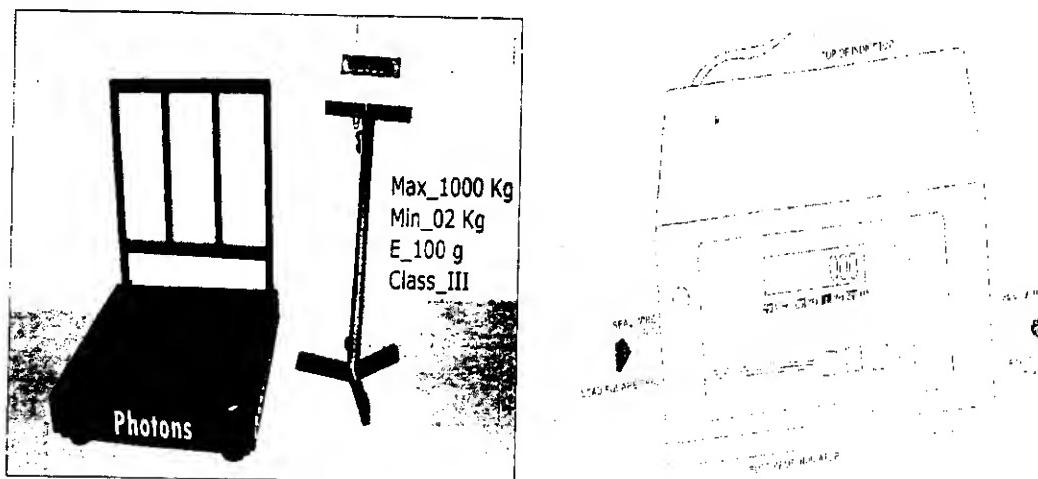


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5 g. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2010]

B. N. DIXIT, Director of Legal Metrology

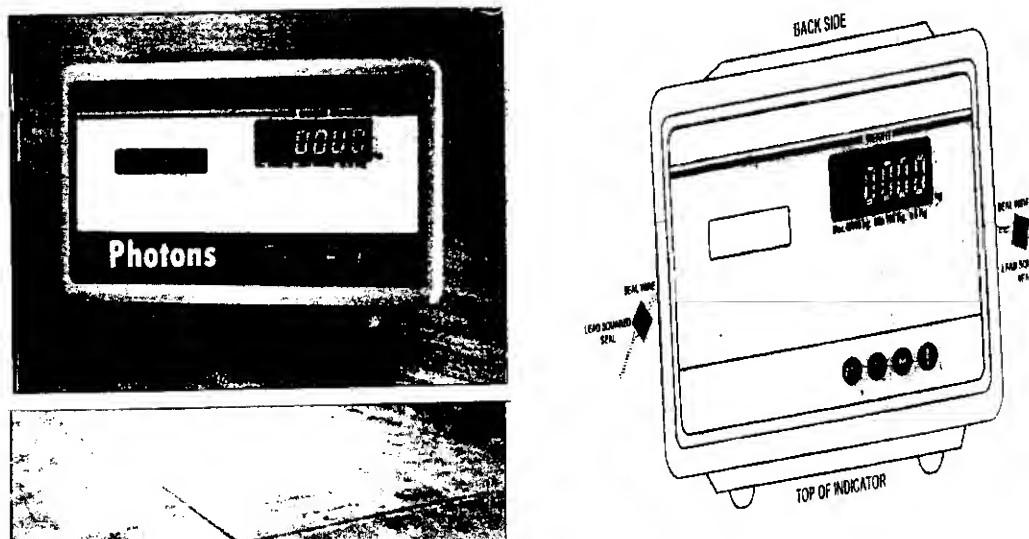
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 726.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिक्रोइंजीनियरिंग्स, 9 ब्लॉक के पीछे, भानपुरी, रायपुर (छत्तीसगढ़) पिन-493221, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम आई सी डल्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक कंवर्सन किट टाइप वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम “फोटोंस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/466 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक कंवर्सन किट टाइप वेब्रिज) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.गा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले के राइट साइड बैक/साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डल्ल्यू एम-21(282)/2010]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 726.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Conversion Kit Type Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "MICWE" and with brand name "PHOTONS" (hereinafter referred to as the said model), manufactured by M/s. Micas Engineering, Behind 9 Block, Bhanpuri, Raipur (CG) Pin-493221, Chhattisgarh and which is assigned the approval mark IND/09/10/466;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Conversion Kit Type Weighbridge) with a maximum capacity of 40 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

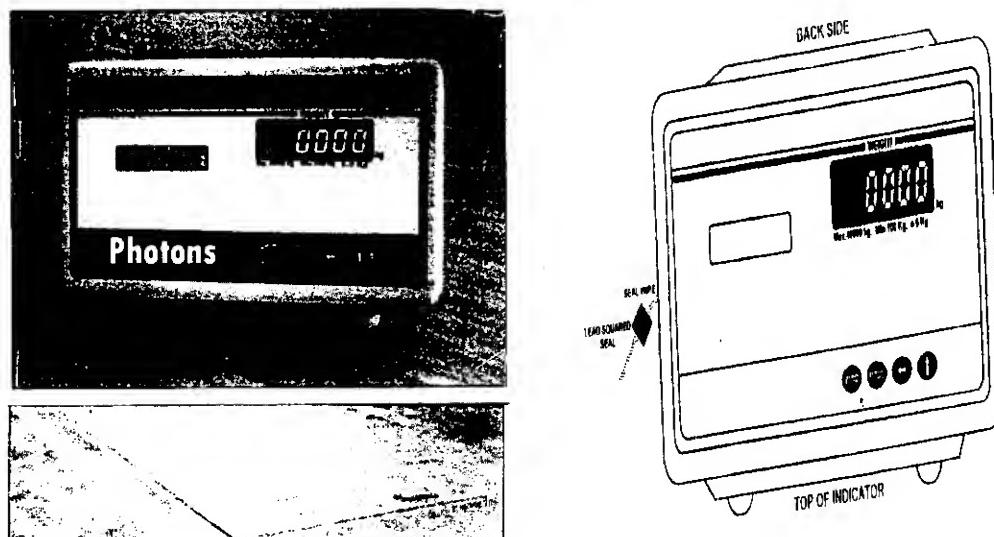


Figure 2 : Schematic diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2010]

B. N. DIXIT, Director of Legal Metrology

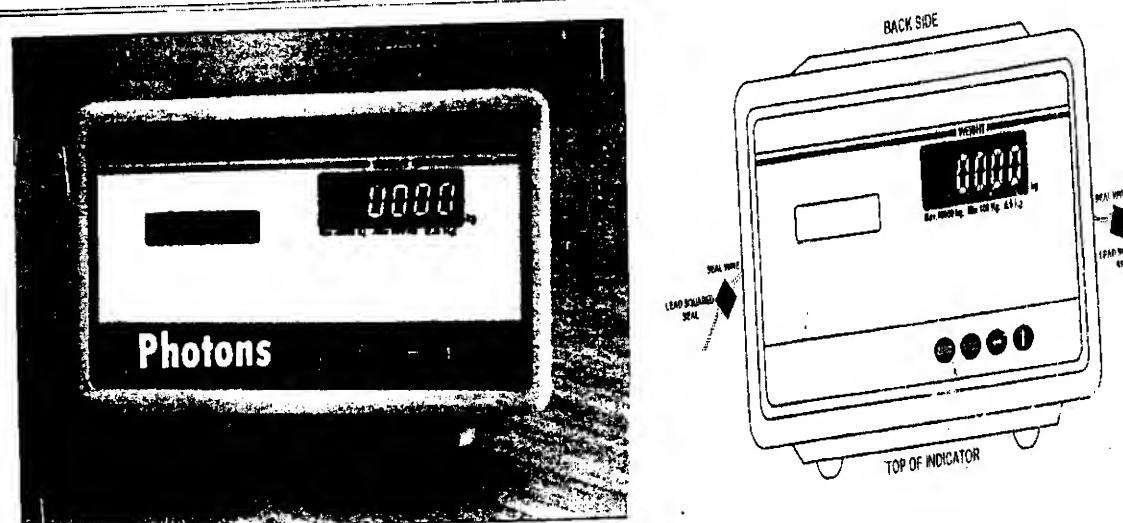
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 727.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स मिकास इंजीनियरिंग्स, 9 ब्लाक के पीछे, भानपुरी, रायपुर (छत्तीसगढ़) पिन-493221, छत्तीसगढ़ द्वाग विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम आई एफ डब्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम “फोटोंस” है (जिसे इसमें पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/109/10/467 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलय युक्त है जिसका शत प्रतिशत व्यावकलनात्मक धारित अधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति - 2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले के राइट/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप रिवर्च भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(282)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 727.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "MIFWB" and with brand name "PHOTONS" (hereinafter referred to as the said model), manufactured by M/s. Micas Engineering, Behind 9 Block, Bhanpuri, Raipur (CG) Pin-493221, Chhattisgarh and which is assigned the approval mark IND/09/10/467;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge Type) with a maximum capacity of 40 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

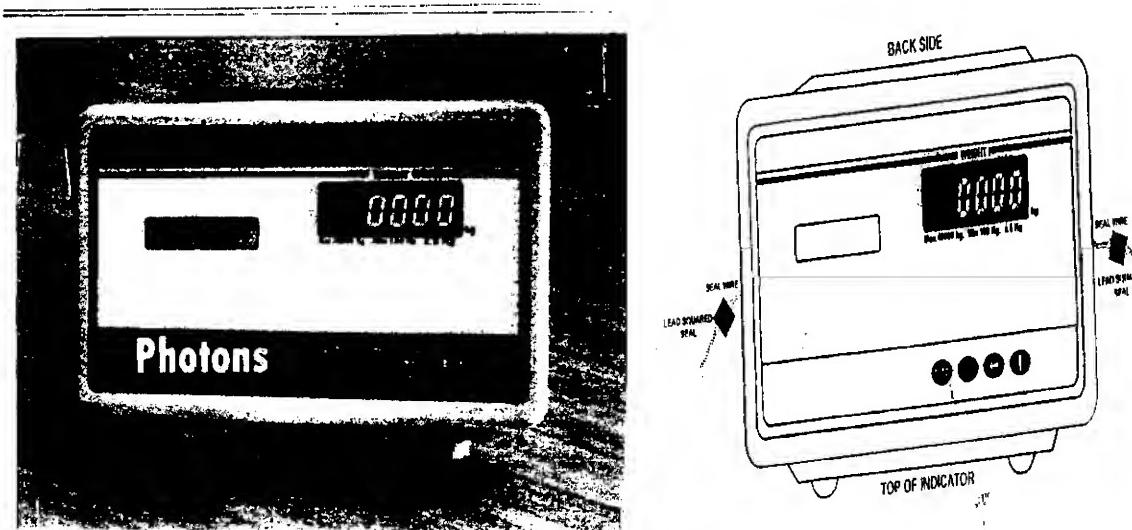


Figure 2 : Schematic diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2010]

B. N. DIXIT, Director of Legal Metrology

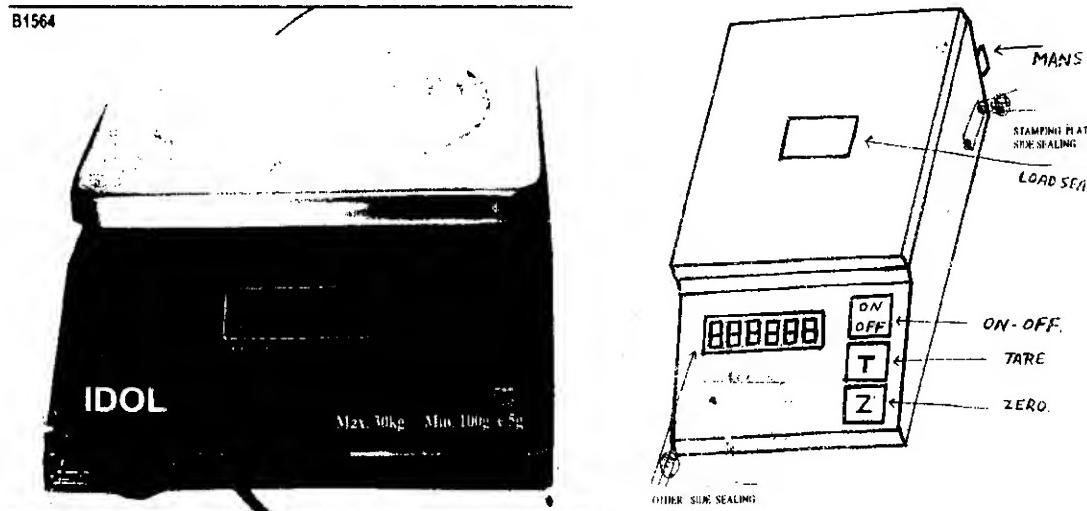
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 728.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स आइडल, गोल घर चौराहा, शिव मंदिर के पांछे, पटना-1 (बिहार) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "आईटी-11" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "आईडॉल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/559 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो। मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(318)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 728.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "IT-11" and with brand name "IDOL" (hereinafter referred to as the said model), manufactured by M/s. Ideal, Gol Ghar Chowraha, B/h. Shiv Mandir, Patna-1 (Bihar) and which is assigned the approval mark IND/09/10/559.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

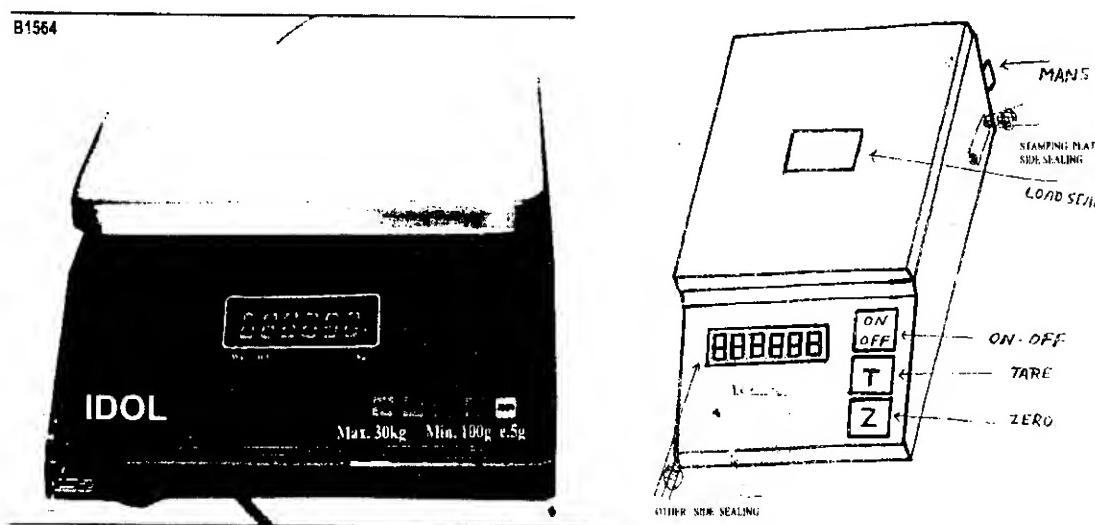


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing the sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for ' e ' value of 1mg to 2g and with verification scale interval(n) in the range of 500 to 10,000 for ' e ' value of 5g or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(318)/2010]

B. N. DIXIT, Director of Legal Metrology

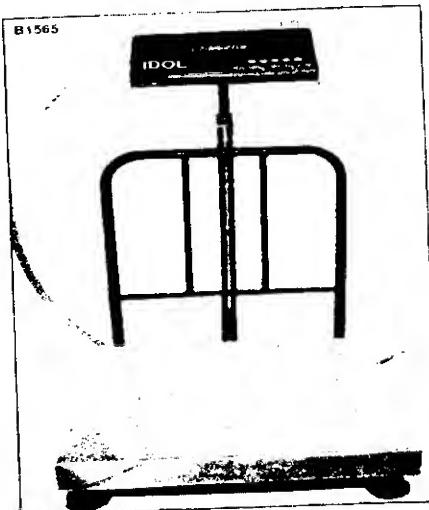
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 729.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स आइडल, गोल घर चौराहा, शिव मंदिर के पीछे, पटना-1 (बिहार) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “आईपी-6” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “आईडॉल” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/560 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्दर्शित करता है। 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(318)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 729.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "IP-6" and with brand name "IDOL" (hereinafter referred to as the said model), manufactured by M/s. Ideal, Gol Ghar Chowraha, B/h. Shiv Mandir, Patna-1 (Bihar) and which is assigned the approval mark IND/09/10/360.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 500 kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

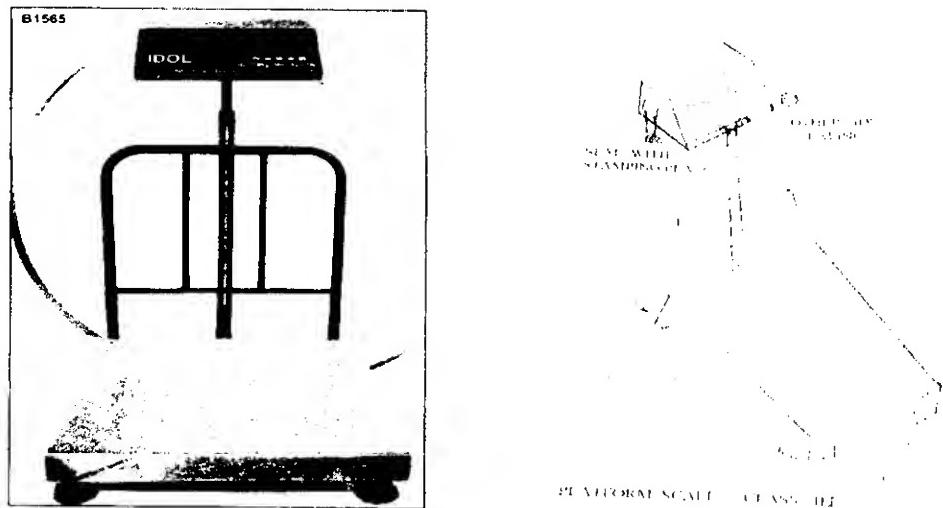


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control for calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(318)/2010]

B. N. DIXIT, Director of Legal Metrology

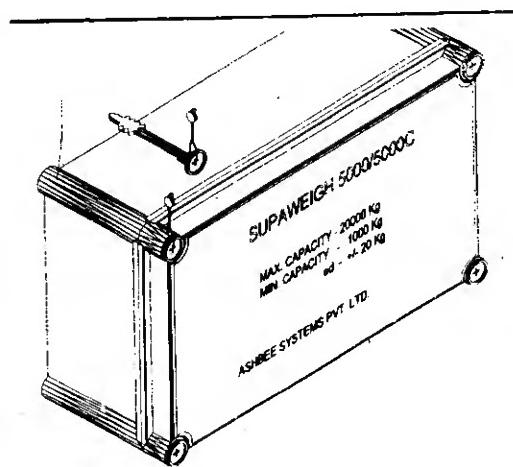
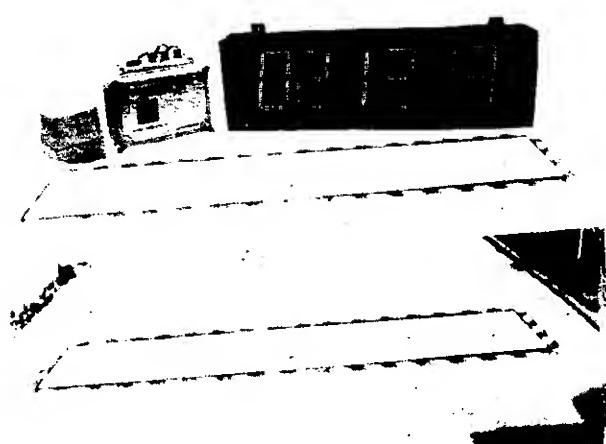
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 730.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स एशबी सिस्टम्स प्रा. लि., सी-64, ओखला इंडस्ट्रीयल एरिया, फेज-1, नई दिल्ली-110020 द्वारा विनिर्मित यथार्थता वर्ग-1, एक्सल-लोड “एएसडब्ल्यूआईएम” शृंखला के अंकक सूचन सहित स्वचालित रोड व्हीकल इन मोशन और मेजरिंग एक्सल लोड (टोटल व्हीकल वेइंग) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम “एएसएचबीईई” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/32 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल विकृत गेज प्रकार का भार सैल आधारित स्वचालित रोड व्हीकल इन मोशन और मेजरिंग एक्सल लोड (टोटल व्हीकल वेइंग) तोलन उपकरण है। इसकी अधिकतम क्षमता एक्सल 20 टन/एक्सल है और न्यूनतम क्षमता 1000 कि.ग्रा. है। मापमान अंतराल (डी) 20 कि.ग्रा. है। चलते हुए वाहन के एक्सल का भार जो सभी भार सैलों द्वारा महसूस किया जाता है, को जोड़ा जाता है और सड़क के एक किनारे पर फिट किया गया जाने वाले बाक्स/कंट्रोलर के माध्यम से डिजिटल वेट इंडीकेटर में भरा जाता है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें एक्सल संख्या 10 तक है और अधिकतम प्रचालन स्पीड 15 कि.मी./घंटा और न्यूनतम प्रचालन स्पीड 1 कि.मी./घंटा है।

आकृति



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिप्पले की बाड़ी में छेदों से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कलिक्वेशन तक पहुंच की सुविधा है। बाहरी केलिक्वेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर वॉर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी मामग्री से जिसमें उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तालन उपकरण भी हाँग जो 5 ग्रा. या उससे अधिक के “डी” मान के लिए 500 से 5000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 60 टन/एक्सल तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(181)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31 October, 2011

S.O. 730.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report(see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act,1976(60 of 1976)and the Standards of Weights and Measures(Approval of Models) Rules,1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Instrument for weighing Road Vehicles in motion and measuring Axle Loads (Total Vehicle Weighing) with digital indication of Accuracy Class-1, of series "ASWIM" and with brand name "ASHBEE" (hereinafter referred to as the said model), manufactured by M/s Ashbee Systems Pvt Ltd, C-64, Okhla Industrial Area, Phase-I, New Delhi-II 0020 and which is assigned the approval mark IND/09/11/32.

The said model is a strain gauge type load cell based Automatic Instrument for weighing Road Vehicles in motion and measuring Axle Loads (Total Vehicle Weighing) with a maximum capacity/axle of 20tonne/axle and minimum capacity of 1000kg. The scale interval (d) is 20kg. The Weight of the axle of the vehicle in motion is sensed by all the load cells is summed up and fed to digital weight indicator through the junction box/controller fitted one side of the road. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply. It is having number of axles upto 10 with maximum operating speed as 15km/hr and minimum operating speed is 1km/hr.

Figure-1

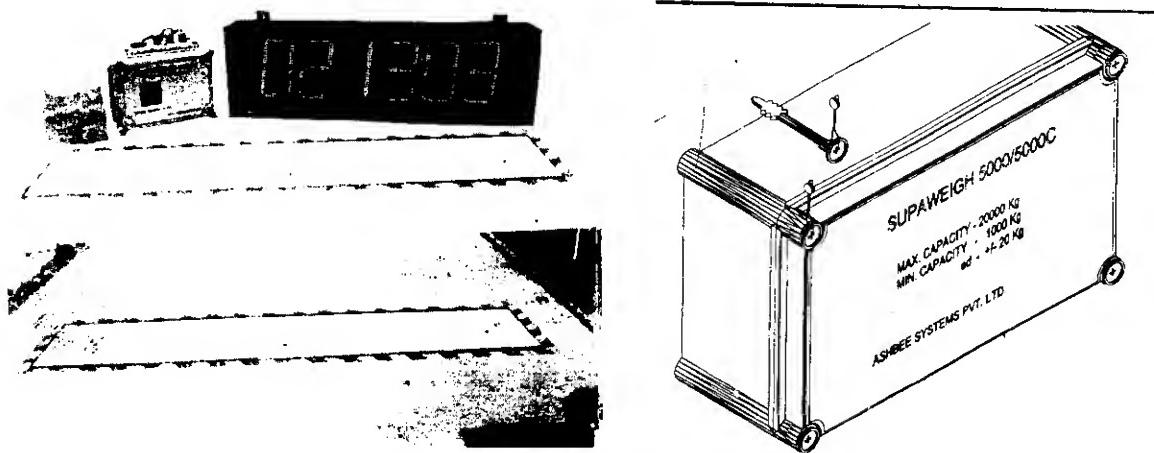


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section(12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity/axle up to 60 tonne/axle with scale interval (n) in the range of 500 to 5000 for 'd' value of 5g or more and with 'd' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

{F. No. WM-21(181)/2010]

B. N. DIXIT, Director of Legal Metrology

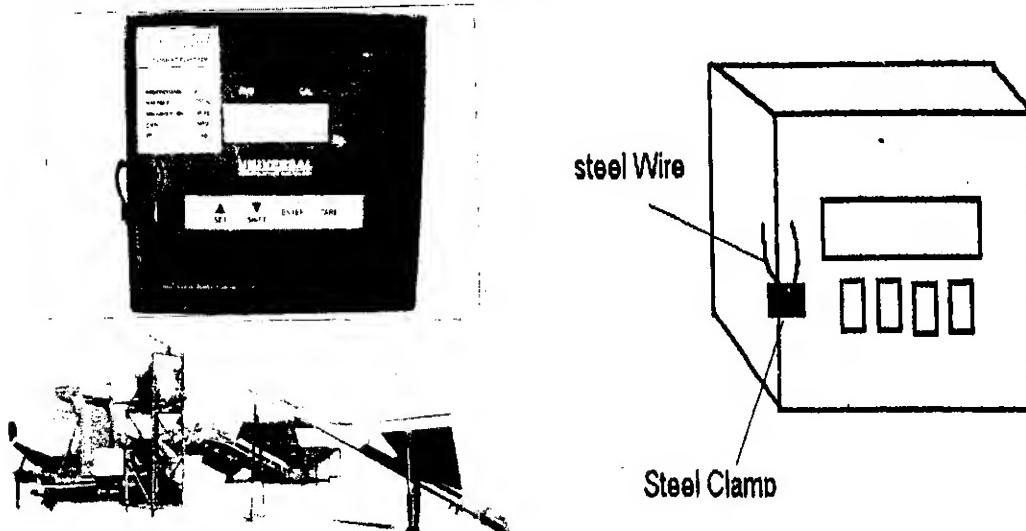
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 731.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स यूनिवर्सल कंस्ट्रक्शन मशीनरी एंड इक्यूपमेंट लि., यूनिवर्सल हाउस, वार्ज जकत नाका, कोथरुद, पुणे-52 महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग-2, वाले “12एम'/hr” शृंखला के डिस्कंटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) अंकक सूचन सहित के मॉडल का, जिसके ब्रांड का नाम “बेचिंग प्लांट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/320 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित डिस्कंटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) है। इसकी अधिकतम क्षमता 312 कि.ग्रा., न्यूनतम क्षमता 50 कि.ग्रा. और उच्च अधिकतम क्षमता 1250 कि.ग्रा. और उच्च अधिकतम क्षमता 200 कि.ग्रा. है। मापमान अंतराल (डीटी) ; कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धरित आधेयतुलन प्रभाव है। साइकिल स्पीड 20 साइकिल/घंटा है एलसीडी/एलईडी तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाढ़ी में होल से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 1250 कि.ग्रा. के लिए ‘डीटी’ की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(174)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 731.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with digital indication of Accuracy class-2 of series "12M³/hr" and with brand name "BATCHING PLAN" (hereinafter referred to as the said Model), manufactured by M/s. Universal Construction Machinery & Equipment Ltd. "Universal House", Warje Jakat Naka, Kothrud, Pune-52, Maharashtra and which is assigned the approval mark IND/09/10/320;

The said model is a strain gauge type load cell based Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with a maximum capacity of 312 kg, minimum capacity of 50kg, Σ Maximum Capacities of 1250 kg and Σ Minimum Capacities of 200 kg. The scale interval (dt) is 1 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The cycle speed is 20 cycles/hr. The LCD/LED display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

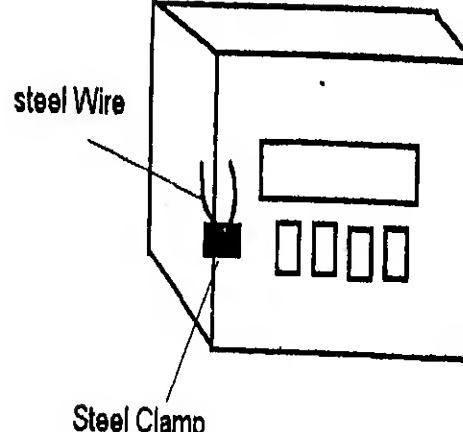
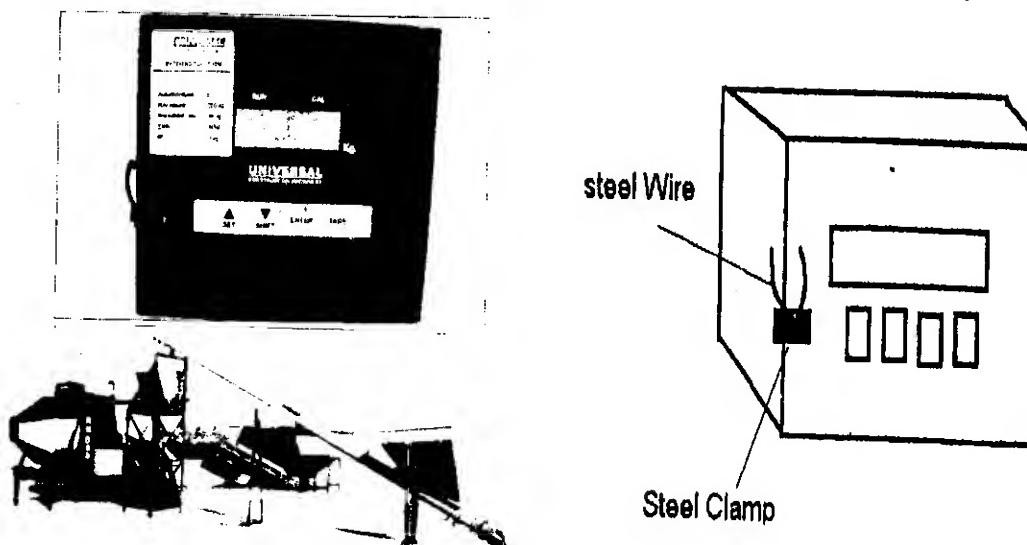


Figure-2 : Sealing diagram of the sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities up to 1250 kg for 'dt' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(174)/2010]

B. N. DIXIT, Director of Legal Metrology

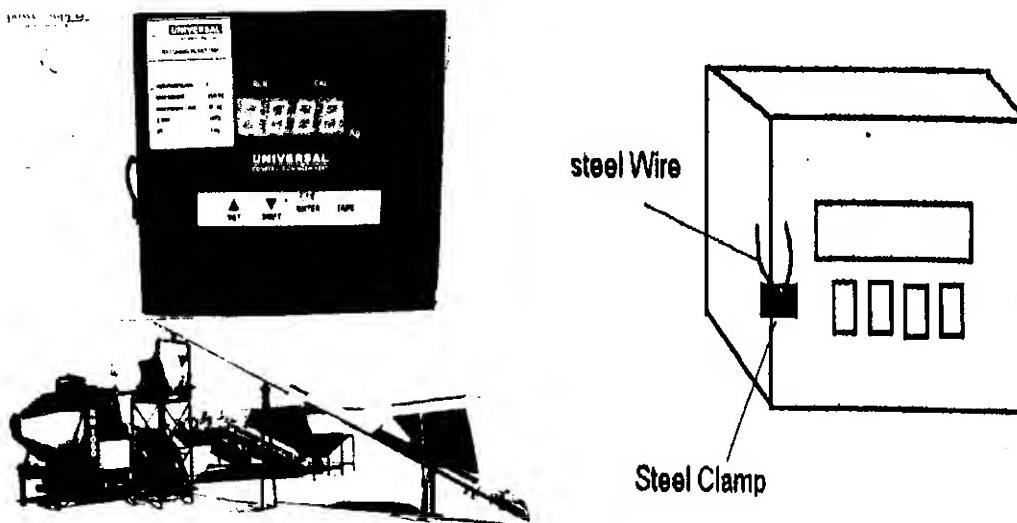
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 732.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स यूनिवर्सल कंस्ट्रैक्शन मशीनरी एंड इक्यूपर्मेंट लि., यूनिवर्सल हाऊस, वार्जे जकत नाका, कोथरूढ़, पुणे-52 महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग-2, वाले “15एम³/घण्टा” शृंखला के डिस्कंटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) अंक सूचन सहित के मॉडल का, जिसके ब्रांड का नाम “बेचिंग प्लांट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/321 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित डिस्कंटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) है। इसकी अधिकतम क्षमता 412 कि.ग्रा., न्यूनतम चमता 50 कि.ग्रा. और Σ अधिकतम क्षमता 1650 कि.ग्रा. और Σ न्यूनतम क्षमता 50 कि.ग्रा. है। मापमान अंतराल (डीटी) 1 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। साइकिल स्पीड 20 साइकिल/घंटा है एलसीडी/एलईडी तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाढ़ी में होल से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 1650 कि. ग्रा. के लिए ‘डीटी’ की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(174)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 732.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with digital indication of Accuracy class-2 of series "15M³/hr" and with brand name "BATCHING PLANT" (hereinafter referred to as the said Model), manufactured by M/s. Universal Construction Machinery & Equipment Ltd. "Universal House", Warje Jakat Naka, Kothrud, Pune-52, Maharashtra and which is assigned the approval mark IND/09/10/321;

The said model is a strain gauge type load cell based Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with a maximum capacity of 412 kg, minimum capacity of 50kg, Σ Maximum Capacities of 1650 kg and Σ Minimum Capacities of 50 kg. The scale interval (d) is 1 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The cycle speed is 20 cycles/hr. The LCD/LED display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

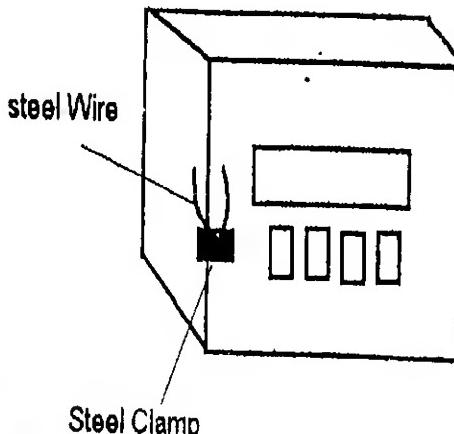
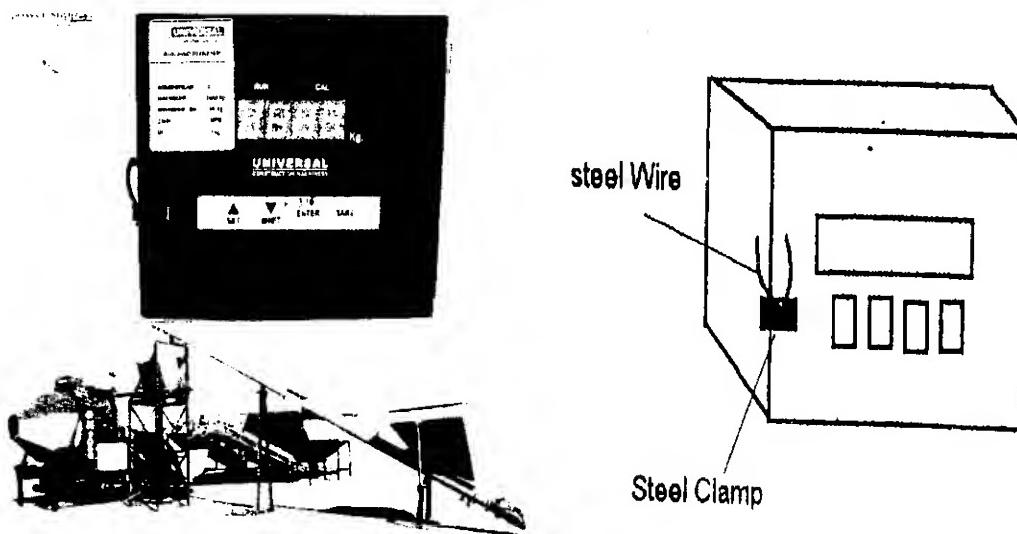


Figure-2 : Sealing diagram of the sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities up to 1650 kg for 'dt' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(174)/2010]

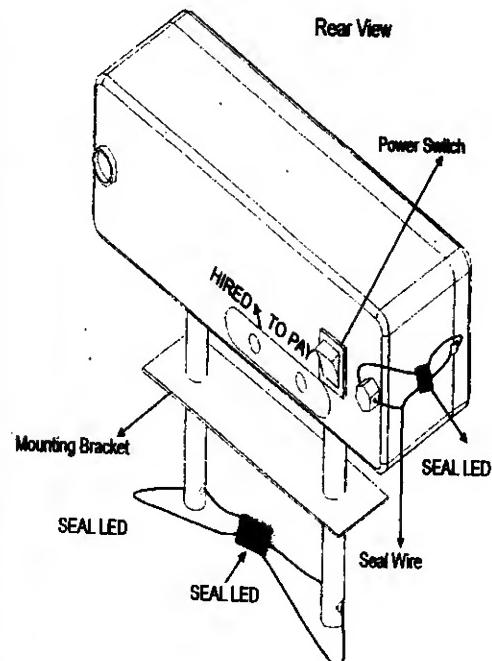
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 733.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स इलेक्ट्रोन मेगनेटिक्स, नं. 31/2, पाचवां 'सी' क्रास, शारदाम्बा नगर, जलहाली, बैंगलूर-560013 द्वारा विनिर्भित "ईएम-03" शृंखला के अंक सूचन सहित "टैक्सी/आटो मीटर" के मॉडल का, जिसके ब्राण्ड का नाम "ई-स्टार" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/442 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल "टैक्सी/आटो मीटर" मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का 'के' फेक्टर 2800 प्लसेस प्रति किलोमीटर पर चलता है। इंडिकेटर में 5 अंकों (3 तीन अंक रूपए के लिए और 2 अंक पैसे के लिए) तक अधिकतम किराया सूचन, 4 अंकों (4 अंकों में एक दशमलव प्वाइंट शामिल)में अधिकतम दूरी सूचन और 4 अंकों में (2 अंक मिनट के लिए और 2 अंक सेकेंड के लिए) अधिकतम समय सूचन दर्शाता है।



आकृति-2—मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम

सील और स्टाम्प के सत्यापन के लिए दिए गए दो स्क्रू होल्ज वाले में से लीडिंग वायर निकाल मीटर की रियर बाटम साइड में सीलिंग की जाती है। सील से छेड़छाड़ किए बिना मीटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

[फा. सं. डब्ल्यू एम-21(270)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 733.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi/Auto Meter" with digital indication (hereinafter referred to as the said Model) of "EM-03" series and with brand name "E-STAR" manufactured by M/s. Electron Magnetics, No. 31/2, 5th 'C' Cross, Sharadamba Nagar, Jalahalli, Bangalore-560013 and which is assigned the approval mark IND/09/10/442;

The said Model of "Taxi/Auto Meter" is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the fare is calculated as function of the time taken, This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The 'k' factor of the Taxi Meter is 2800 pulses per kilometer. The indicator have 5 digits (3 digits for rupees and two digits for paise) for maximum fare indication, 4 digits (4 digits including one decimal point) for maximum distance indication and 4 digits (two for minutes and two for seconds) for maximum time indication.

Figure-1

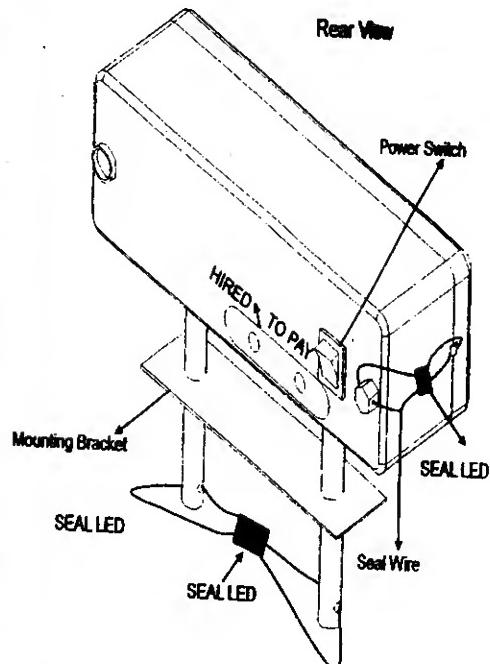


Figure-2—Schematic Diagram of sealing provision of the model

Sealing is done on the rear bottom side of the meter, two screws with holes are provided through which the leaded wire will be passed to receive the verification seal and stamp. The meter cannot be opened without tampering the seal. A schematic diagram of sealing provision of the model is given above.

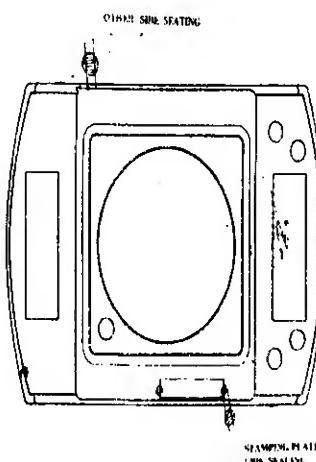
[F.No.WM-21(270)/2010]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 734.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स चाइना नेशनल एरो टैक्नोलॉजी इम्पोर्ट एंड एक्सपोर्ट कारपोरेशन केटिक झुहाल, गोंगडेनी, चाइना द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग I) बाले “एसएबी-10” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राइड का नाम “स्केल-टैक” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स स्केलटैक मैकाट्रोनिक्स प्रा. लि., एफ-1-106, काशी विश्वेश्वर टावर-3-बी जेतलपुर रोड, अलकाशुरी, वडोदरा-390005 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के बिक्रीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/553 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो मैग्नेटिक फोर्स कम्प्यूनेशन प्रिंसीपल पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 ग्रा. और न्यूनतम क्षमता 1 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एलईडी/एलसीडी प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की टाप कवर और बाटम में बनाए गए छेद में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मर्दर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के ऐसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. या इससे अधिक के “ई” मान के लिए 50,000 या अधिक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(330)/2010]

बी. एस. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 734.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of special accuracy (Accuracy class -I) of Series "SAB-10" and with brand name "SCALE-TEC" (hereinafter referred to as the said model), manufactured by M/s. China National Aero Technology Import & Export Corporation Catic Zhuhal, Guangdeny, China and sold in India without any alteration before or after sale by M/s. Scaletec Mechatronics Pvt. Ltd., F-1-106, Kashi Vishweswar Tower-3-B Jetalpur Road, Alkapuri, Vadodara-390005 which is assigned the approval mark IND/09/10/553;

The said model is an electro magnetic force compensation principle non-automatic weighing instrument with a maximum capacity of 1000g. and minimum capacity of 1g. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

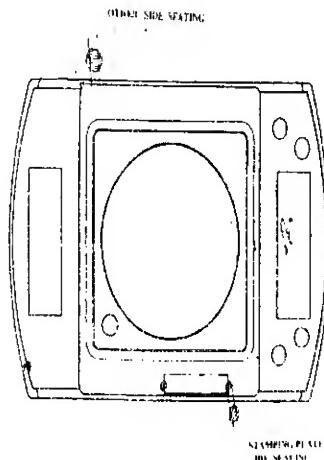
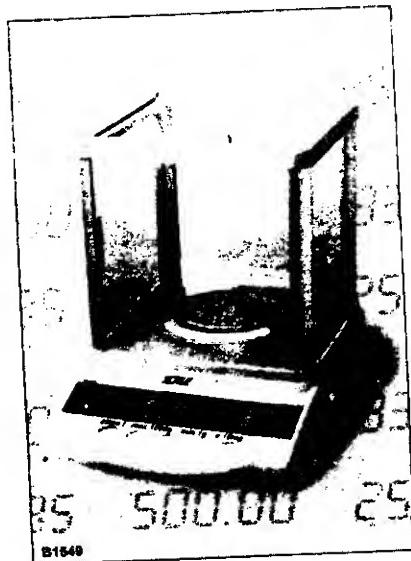


Figure-2 Sealing Diagram.

Sealing is done by passing the sealing wire from the body of the scale through holes in the top cover and bottom. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 50,000 or above for ' e ' value of 1mg. or more and with ' e ' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and materials with which the said approved model has been manufactured.

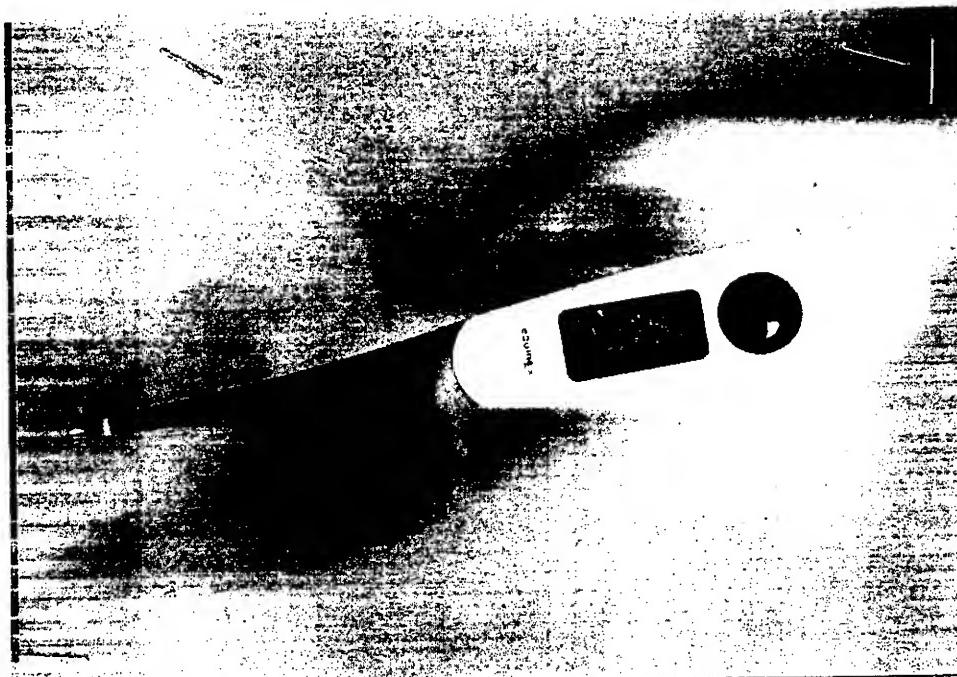
[F.No.WM-21 (330)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 735.—केन्द्रीय सरकार का, विहित प्राधिकारी हारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स वालेओ कारपोरेशन, 4एफ-3, नं. 161, सुंग-तेह रोड, तैयई, ताइवान 110 द्वारा विनिर्मित यथार्थता वर्ग II वाले "इक्यूडीटी" शृंखला के क्लीनिकल इलेक्ट्रीकल थर्मामीटर अधिकतम डिवाइस, अंकक सूचन सहित मॉडल का, जिसके ब्राण्ड का नाम "इक्यूयूआईएनओएक्स" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स इक्यूनॉक्स ओवरसीज प्राइवेट लिमिटेड आर 74बी, दूसरा तल, साई बाबा मंदिर के पास, खिर्की एक्सटेंशन, मालवीय नगर, नई दिल्ली-110017 द्वारा बिक्री से पूर्व या पश्चात बिना किसी बदलाव के भारत में विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/588 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।



उक्त माडल हार्ड टिप टाइप क्लिनीकल इलेक्ट्रीकल थर्मामीटर है जो अधिकतम डिवाइस, एल सी डी (लिकिविड क्रिस्टल डायोड) टाइप अंकक सूचन सहित मापमान रेंज 32°C से 42°C में है और जिसका न्यूनतम स्केल अंतराल 0.1°C है। यह 1.518 वी डीसी बैटरी संपरिचालित होता है।

[फा. सं. डब्ल्यू एम-21(283)/2010]

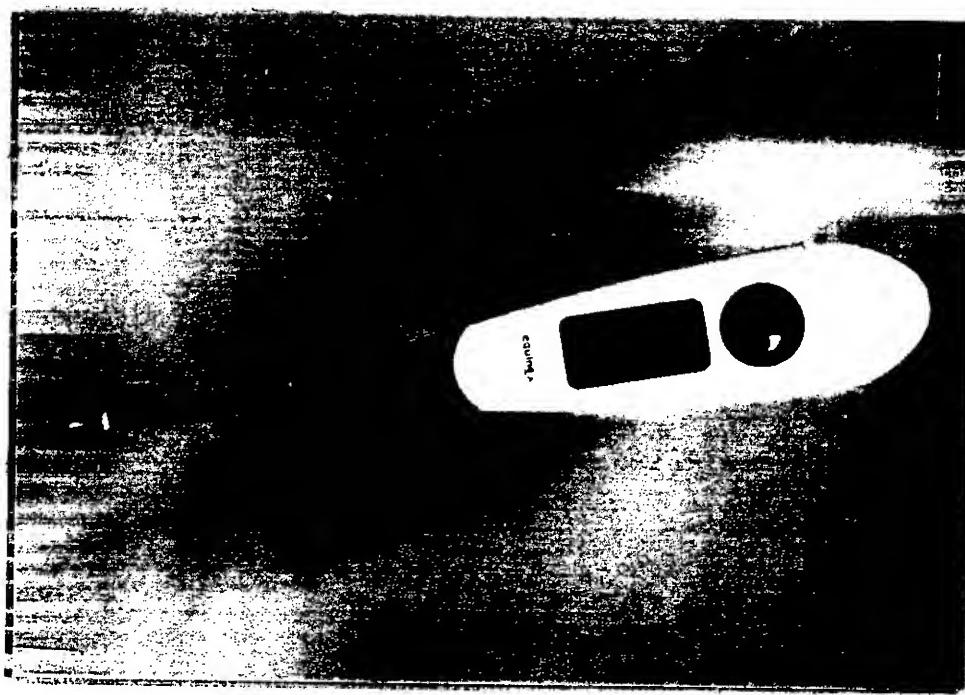
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 735.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Clinical Electrical Thermometer with Maximum Device with digital indication of Accuracy Class-II of Series "EQDT" and with brand name "EQUINOX" (hereinafter referred to as the said model), manufactured by M/s. Valeo Corporation, 4F-3, No. 161, Sung-Teh Road, Taipei, Taiwan 110 and marketed in India without any alteration before or after sale by M/s. Equinox Overseas Private Limited, R-74B, 2nd Floor, Near Sai Baba Mandir, Khirki Extension, Malviya Nagar, New Delhi-110017 and which is assigned the approval mark IND/09/10/588;

Figure-1 Model



The said model is a hard tip type Clinical Electrical Thermometer with Maximum Device, having measurement range of 32°C to 42°C with digital indication of LCD (Liquid Crystal Display) type and the smallest scale interval is 0.1°C. It operates on 1.518V DC battery.

[F. No.WM-21 (283)/2010]
B. N. DIXIT, Director of Legal Metrology

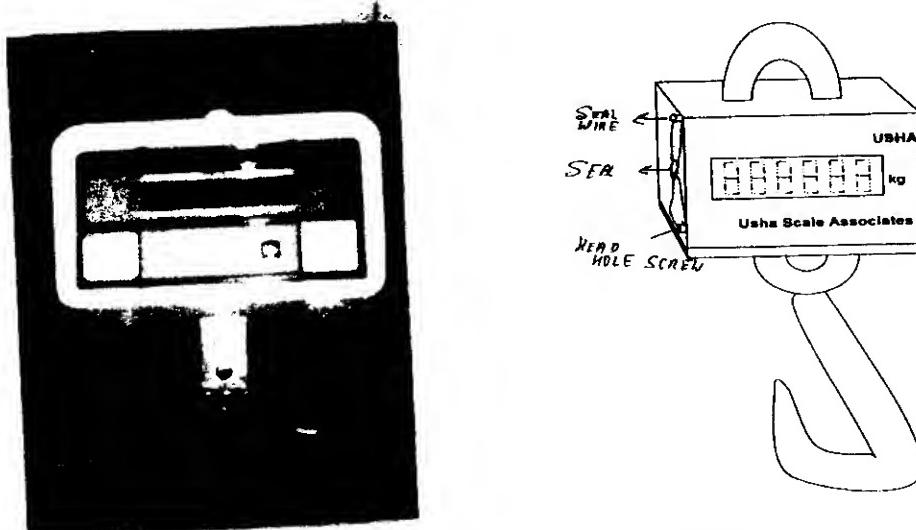
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 736.—केन्द्रीय सरकार का, विहित प्रधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विधिमं परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स उषा स्केल एसोसिएट, सी-21 और 22, सिकंदरा इंडस्ट्रियल एरिया, आगरा-282007 (उ.प्र.) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "यूएसएसी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "उषा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/10/106 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 5,000 कि.ग्रा. है और न्यूनतम क्षमता 20 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

लेफ्ट साइड के दोनों हैंड होल्ज में से सीलिंग वायर निकाली जाती है। दूसरे दृष्टांत में साइड कवर और बाटम प्लेट के होल्स में से वायर निकाल कर लेफ्ट साइड में सील किया जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 30 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(85)/2010]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 736.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Crane Type) with digital indication of medium accuracy (Accuracy class -III) of Series "USAC" and with brand name "USHA" (hereinafter referred to as the said model), manufactured by M/s. Usha Scale Associates, C-21 & 22, Sikandra Industrial Area, Agra-282007 (UP) and which is assigned the approval mark IND/09/10/106;

The said model is a strain gage type load cell based non-automatic weighing instrument (Crane Type) with a maximum capacity of 5000 kg and minimum capacity of 20 kg. The verification scale interval (e) is 1kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

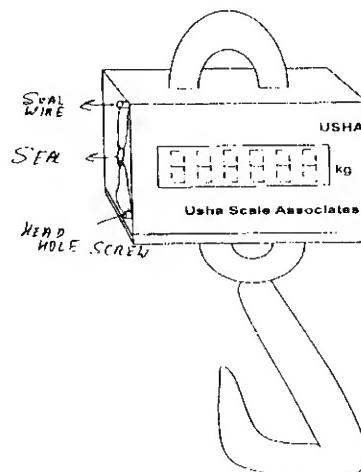


Figure-2 : Sealing arrangement

Seal wire passes through the two head holes in left side. In the second instance, wire is passed through the holes in the side cover and bottam plate and then sealed at left side. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

The Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity range from 50 kg and up to 30tonne with verification scale interval (n) in the range of 500 to 10.000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

| E. No. WM-21 (85)/2010]

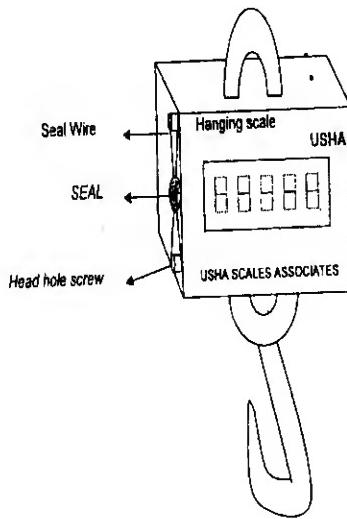
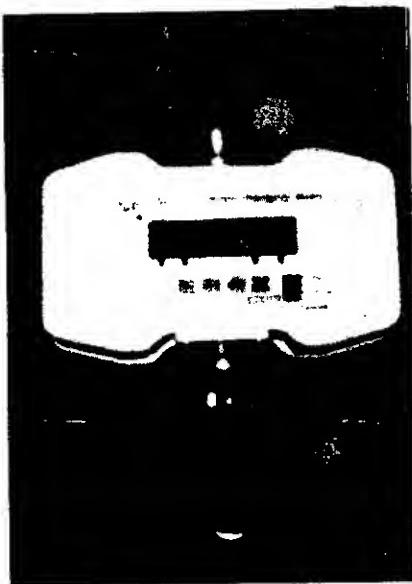
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 737.—केन्द्रीय सरकार को, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स उषा स्केल एसोसिएट, सी-21 और 22, सिकंदरा इंस्ट्रियल एरिया, आगरा-282007 (उ.प.) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "यूएसएच" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हैंगिंग स्केल टाइप) के मॉडल का, जिसके ब्राइड का नाम "उषा" है, (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/107 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग स्केल टाइप) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपरोक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

लेफ्ट साइड के दोनों हैंड होल्ज में से सीलिंग वायर निकाली जाती है। दूसरे दृष्टांत में साइड कवर और बाट्म प्लेट के होल्स में से वायर निकाल कर लेफ्ट साइड में सील किया जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्रसूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(85)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 737.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Hanging Scale top type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "USAH" and with brand name "USHA" (hereinafter referred to as the said Model), manufactured by M/s. Usha Scale Associates, C-21 & 22, Sikandra Industrial Area, Agra-282007 (UP) and which is assigned the approval mark IND/09/10/107;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Hanging Scale top type) with a maximum capacity of 100kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

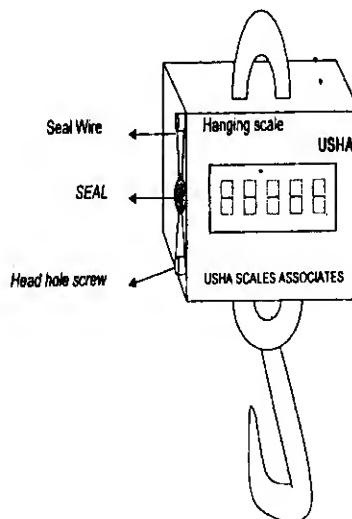
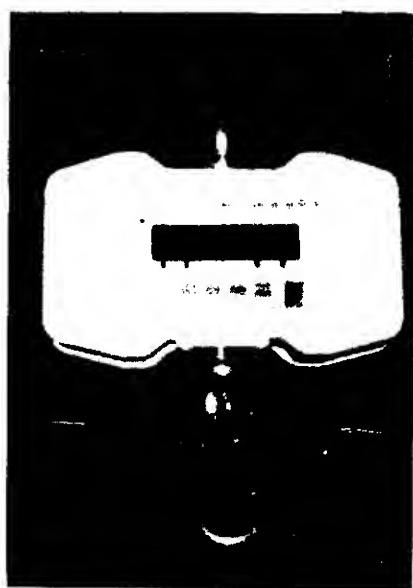


Figure-2 Schematic diagram of sealing provision of the Model

Seal wire passes through the two head holes in left side. In the second instance, wire is passed through the holes in the side cover and bottom plate and then sealed at left side. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity range up to 1000 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for ' e ' value of 0.1 g. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

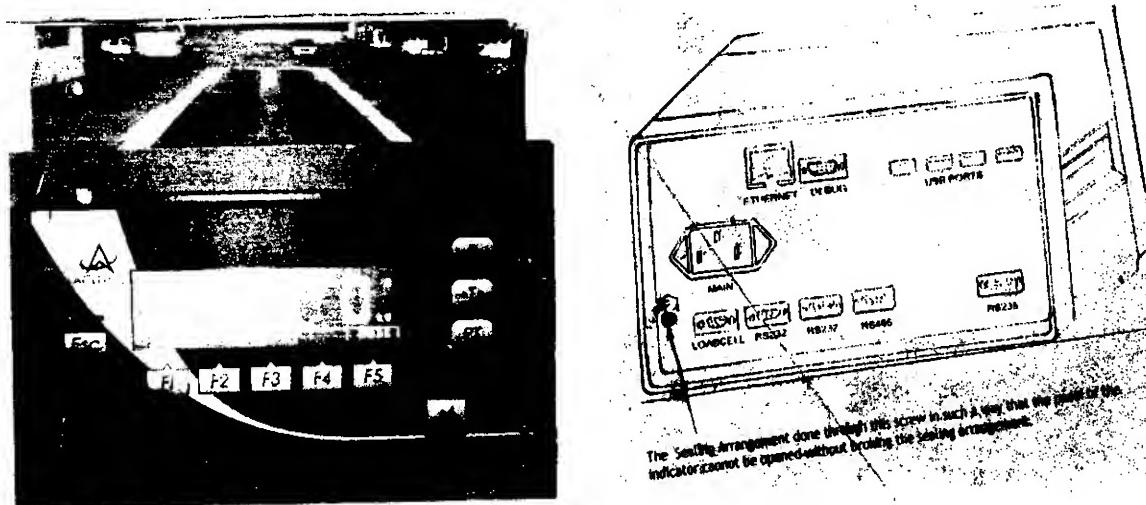
[F. No. WM-21 (85)/2010]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 738.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स ट्रक वे सिस्टम इंडिया प्रा. लि., #479बी, अविनाशी रोड, पीलामेडु, कोयम्बतूर-641004 (तमिलनाडु) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी डब्ल्यू एस-डब्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक बेब्रिज मल्टी लोड सैल टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एक्स्यूट्रज” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/507 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक बेब्रिज मल्टी लोड सैल टाइप) है। इसकी अधिकतम क्षमता 80 टन है और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के सीरीज जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध कम एक शास्त्रीय योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

ठाक्करजन और इलेक्ट्रॉनिक्स केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एक हाई कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार अधिनियम धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह उपकरण करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उत्पादित, डिजाइन अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल निर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यप्रसंग के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) स्थित 5 टन से 200 टन तक की अधिकतम 1×10^4 , 2×10^4 , 5×10^4 , के हैं, उपकरण के पूर्णक या शून्य के समतुल्य हैं।

[फारम. नं. 21(30)/2010]

श. दीक्षित, विभिन्न विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 738.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Electronic Weighbridge-Multi Load Cell Type) with digital indication of Medium Accuracy (Accuracy class - III) of Series "TWS-WB" and with brand name "ACUTUZ" (hereinafter referred to as the said Model), manufactured by M/s. Truck Weigh System India Pvt. Ltd., #479B, Avinashi Road, Peelamedu, Coimbatore-641004 (T.N.) and which is assigned the approval mark IND/09/10/507;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Electric Weighbridge-Multi Load Cell Type) with a maximum capacity of 80tonne and minimum capacity of 400kg. The verification scale interval (n) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

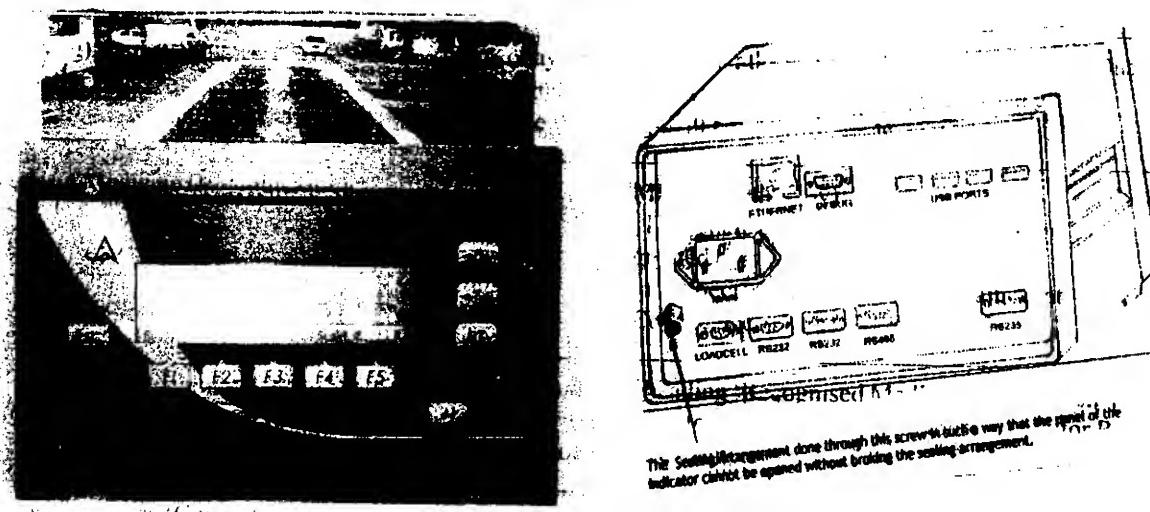


Figure-2 Schematic diagram of sealing provision of the Model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and made of same materials with which the said approved Model has been manufactured.

[F. No. WM-21 (300)/2010]
B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 25 जनवरी, 2012

का.आ. 739.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के लिए विविध (6) के अनुसंधान में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत के दिए गए हैं :—

अनुसूची:

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक कर्तव्यपालक शीर्षक	संभाला गया मात्रा संख्या	भाग खण्ड	वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3655064	13-08-2010	मैसर्स डूरलाईन इंडियन प्रा. लि., प्लॉट सं. 24-25, वेरना इलेक्ट्रॉनिक सीटी, फेस ॥१, वेरना, सालसेट नॉर्थ झेका-403 722	गैसोंथ क्यूलों की आशूरि के लिए पॉलीथिलोन मार्हिं	14885		2001	
2.	3657977	19-08-2010	मैसर्स अफेम रोलिंग प्रा. लि., क्रम सं. 98/1/8 और 9 केएलजे प्लास्टीसाइजर के सामने विलेज : सिल्ली सिलवासा जिला : दादरा और नगर हवेली 396 230	कंक्रीट प्रबलन के लिए उच्च साम्राज्यिक विप्रित इस्पात छड़े और तार-विशिष्ट	1786		2008	
3.	3658878	26-08-2010	मैसर्स बेडमुथा वायर कंपनी लि., प्लान्ट-II, ए-70, 71, 72, एसटीआयसीई, सिन्नर, जिला : नासिक-422 103, महाराष्ट्र	पूर्व प्रतिबलित कंक्रिट के सादे कठोर कर्षित इस्पात के तार : भाग । अदायक प्रतिबल युक्त तार	1783		1983	
4.	3658979	26-08-2010	मैसर्स बेडमुथा वायर कंपनी लि., प्लान्ट-II, ए-70, 71, 72, एसटीआयसीई, सिन्नर, जिला : नासिक-422 103, महाराष्ट्र	पूर्व प्रतिबलित कंक्रिट के अदायक तार	6003		1983	
5.	3659072	26-08-2010	मैसर्स बेडमुथा वायर कंपनी लि., प्लान्ट-II, ए-70, 71, 72, एसटीआयसीई, सिन्नर, जिला : नासिक-422 103, महाराष्ट्र	पूर्व प्रतिबलित कंक्रिट के लिए बिना लेपित प्रतिबल अवधुक्त लड़	6006		1983	
6.	3659173	26-08-2010	मैसर्स बेडमुथा वायर कंपनी लि., प्लान्ट-II, ए-70, 71, 72, एसटीआयसीई, सिन्नर, जिला : नासिक-422 103, महाराष्ट्र	पूर्व प्रतिबलित कंक्रिट के सादे कठोर कर्षित इस्पात तार भाग : ? कर्षा तार की तरह	1785	2	1983	
7.	3663770	26-08-2010	मैसर्स साई बाबा वूड्स प्रोडक्ट्स प्रा. लि., गट सं. 92, विलेज : कोनसाई, गढ़ा, जिला : थाने-421 201 महाराष्ट्र	सुझाने फलश डो: एटर्स (ठोस कोर टाईप) नायद द्वारा	2202	1	1999	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3665572	22-09-2010	मैसर्स श्री सातपुडा तापी परिसर सहकारी साखर कारखाना लिमिटेड, बगासे बोर्ड डिविजन, पुरुषोत्तम नगर, शाहदा, जिला नंदूरबार-425424, महाराष्ट्र	सामान्य प्रयोजनों के लिए ¹ लकड़ी के पार्टिकल बोर्ड (मध्यम घनत्व)	3087		2005	
9.	3665673	23-09-2010	मैसर्स न्यू भारत फायर प्रोटक्शन सिस्टम एन. लि., गट सं. 214, भाग- विलेज : कोंडला, दिनकर पाडा, तालुका : बाडा, जिला : थाणे-432131	अग्नि शामकों में प्रयोग के लिए गैस के कारतूस (कार्ट्रिज)	4947		2006	
10.	3666978	30-09-2010 ¹	के. सी. इण्डस्ट्रीज, प्लॉट सं. 1/1, ओक्सीलरी इण्ड; इस्टेट ऑफ एचओसी लि., विलेज : तुराडे, पो ऑ. रसायनी, पनवेल जिला : रायगढ़-410 207	खुले मुंह वाले बड़े ड्रम	13997		1994	
11.	3667071	28-09-2010	के. सी. इण्डस्ट्रीज, प्लॉट सं. 1/1, ओक्सीलरी इण्ड; इस्टेट ऑफ एचओसी लि., विलेज : तुराडे, पो ऑ. रसायनी, पनवेल जिला : रायगढ़-410 207	इम्, बड़े, नियत सिरे भाग 2 श्रेणी 'ची' ड्रम	1783	2	1988	
12.	3667172	28-09-2010	के. सी. इण्डस्ट्रीज, प्लॉट सं. 1/1, ओक्सीलरी इण्ड; इस्टेट ऑफ एचओसी लि., विलेज : तुराडे, पो ऑ. रसायनी, पनवेल जिला : रायगढ़-410 207	इम्, बड़े, नियत सिरा-विशिष्टि भाग 1 श्रेणी 'ए' ड्रम	1783	1	1983	
13.	3668477	04-10-2010	के. सी. इण्डस्ट्रीज, प्लॉट सं. 1/1, ओक्सीलरी इण्ड; इस्टेट ऑफ एचओसी लि., विलेज : तुराडे, पो ऑ. रसायनी, पनवेल जिला : रायगढ़-410 207	बिटयुमिन ड्रम	3575		1993	
नंम्रा 3671769		15-10-2010	मैसर्स कायटेक इण्डस्ट्रीज (इंडिया) लि., सर्वे सं. 99/2, 8 मधुबन इण्डस्ट्रीजल एरिया मधुबन टैम रोड, विलेज : राखोली, सिलवासा, जिला : दादरा और नगर हवेली-396 236	पेय जल आपूर्ति के लिए विलायक सीमेंट जोड़ वाले सादे और सॉकेट सिरा सहित अस्टैटिकित पी ची सी पाईप-विशिष्टि	4985		2000	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
15.	3672973	20-10-2010	मैसर्स झेनीथ स्टील ट्यूब एण्ड इण्डस्ट्रीज लि., पो.आ. मादप, तालुका, खालापुर, जिला : रायगढ़-410 202 महाराष्ट्र	सरचना इस्पात के लिए खोखला इस्पात सेक्शन	4923			1997
16.	3673268	20-10-2010	मैसर्स विभेर स्टील ट्यूब्स प्रा. लि., पाइप नगर (विलेज सुकेळी) एन. एच.-17, बीकेजी रोड, वाया नागोठाणे, तालुका-लोहा, जिला : रायगढ़-402 126	जल और मलजल हेतु इस्पात पाईप (168.3 से 2540 मिमी बाह्य व्यास)-विशिष्टि	3589			2001
17.	3677680	02-11-2010	मैसर्स टाईम टेक्नोप्लास्ट लिमिटेड, सर्वे सं. 326/1/1, धोधरपाडा, विलेज : वेलुगाम, सिलवासा, दादरा और नागर हवेली-396 230	ग्लास-पेय जल आपूर्ति के लिए फाईबर प्रबलित प्लास्टिक (जीआरपी) पाईप्स, जोड़ और फिटिंग्स-विशिष्टि	12709			1994
18.	3678480	02-11-2010	मैसर्स गोल्डन प्लाय एण्ड बोर्डस प्लॉट सं. 53 एवं 54, मोरीवली एमआयडीसी, अंबरनाथ पश्चिम जिल्हा : थाणे-421 501	लकड़ी उत्पाद-प्रीलैमिनेटिड पार्टिकल बोर्डस-विशिष्टि	12823			1990
19.	3683574	03-12-2010	मैसर्स टॉपवर्थ पाईप्स एवं ट्यूब्स प्रा. लिमिटेड, खोपाली पाली रोड, विलेज : हेदावती सुधागढ़, जिला : रायगढ़-410 205	पानी और मलजल के लिए इस्पात पाईप (168.3 से 2540 मिमी बाहरी व्यास के)-विशिष्टि	3589			2001
20.	3684071	08-12-2010	पुद्रमा इण्डस्ट्रीज, प्लॉट नं. 390-बी, दिनकर पाडा, कोंडले रोड, कुड्डस, वाडा, जिला : ठाणे-421 312	10 किंवा धारिता के शुष्क पांथिडर किस्म सुखाहय अग्नि शामक (नियत दब)	13849			1993
21.	3684475	09-12-2010	द सुप्रिम इण्डस्ट्रीज लिमिटेड, गंट संख्या 47, 47/2, 48 से 50, 55 से 66, 69, 70, 72 और 73 जलगांव-औरंगाबाद स्टेट हाईवे पोस्ट यद्देगाँव, तालुका जामनेर, जिला : जलगांव-425 114 महाराष्ट्र	गर्म और शीत पेय जल वितरण ओपूर्ति के लिए क्लोरिनियत पोवीसी पाईप	15778			2007
22.	3685881	15-12-2010	मैसर्स भारतीय अलॉय और स्टील कास्ट लि., प्लाट सं. 180, 181, 182, 272 ए और बी और 274 भिवण्डी वाडा रोड, विलेज : घोसाई वाडा जिला : थाणे-421 303	तप्त वेल्लित अल्यू, मध्यम एवं उच्च तन्त्रता के संरचना इस्पात-विशिष्टि	2062			2006

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
23.	3687683	10-12-2010	किशन मोलिंग लिमिटेड, सर्वे सं. 63/1, 64, 1, 70, 71, 72 विलोज : महागाँव, बोइसर, पालघर, जिला : थाणे-401 501	संचातन और वर्षाजल पद्धति सहित भवनों के अंदर मिल्की और अपशिष्ट निकास के यूप्रीवीसी पाईंगे	13592		1992	
24.	3688281	23-12-2010	मैसर्स ई-कॉन पैकेजिंग प्रा. लि., सर्वे सं. 1/1/3/1, आँफ चिंचपाडा विलोज, युएम केबल्स के नजदीक, सिलवास्प, दादर और नागर हवेली-396230	बंद सिरे वाले बड़े इम भाग 2, ग्रेड बी इम	1783	2	1988	
25.	3688382	24-12-2010	मैसर्स ई-कॉन पैकेजिंग प्रा. लि., सर्वे सं. 1/1/3/1, आँफ चिंचपाडा विलोज, युएम केबल्स के नजदीक, सिलवास्प, दादर और नागर हवेली-396230	बंद सिरे वाले बड़े इम भाग 1, ग्रेड ए इम	1783	1	1993	
26.	3689889	21-12-2010	मैसर्स मोनाटोना टायर्स लिमिटेड, फैक्ट्री संख्या 279, 286, 287(पी) दाकीवाली, भिवंडी-सौंडा रोड, तानसा नदी के नजदीक, वाढा, जिला : थाणे-421 312	स्वैच्छल वाहन-वाणिज्यिक वाहनों के लिए वायवीय टायर-विकल्पों और ऐडिविल खाली	15636		2005	
27.	3694074	13-01-2011	मैसर्स कृष्णा लक्ष्यांसेस गाला स. 7 और 8, कुमावत इण्ड. इस्टेट बिलाल पाडा गोखांवरा, वसई (पूर्व) जिला : थाणे-421 308	पिटवां एल्यूमिनियम के बर्तन (भाग 1) : भोजन पकाने, परोसने, रखने और गर्म करने के बर्तन-विशिष्ट	1660	1	1982	
28.	3694882	17-01-2011	मैसर्स टॉपवर्थ पाईप्स एवं ट्यूब्स प्रा. लिमिटेड खोपाली घाली रोड, विलोज : हेदावली सुधांगद, जिला : रायगढ़-401205	संरचना प्रयोजनों के लिए इस्पात नलिकाएं	1161		1998	
29.	3696684	25-01-2011	मैसर्स प्रीमियर होलोवेयर्स प्रा. लि., सर्वे सं. 1/1/3/1, आँफ चिंचपाडा विलोज, युएम केबल्स के नजदीक सिलवासा, दादरा और नागर हवेली-396 230	खेले मुँह वाले बड़े इम	13997		1994	
30.	3696685	25-01-2011	प्रीमियर मिल्क सेप्टी एप्लि. ई-15, इंजीनियरिंग घोड़ा स्पआयडीली, तलोजा, रायगढ़ : रायगढ़-410208	प्रीमियर मिल्क सेप्टी एप्लि. हेल्मेंट	2925		1984	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
31.	3703756	22-02-2011	मैसर्स प्रेस्ट्रेस वायर इण्डस्ट्रीज एसबाय सं. 101/1/1ए, तूरी फालिया उमरकुई रोड, विलेज फालंदी सिलवासा, ज़िला : दादरा और भागर हवेली-396 230	भूसंपर्दन के लिए जस्तीकृत लड़ी	12776		2002	
32.	3703857	24-02-2011	मैसर्स आर्ट रबर इण्डस्ट्रीज लिः, एच-1, एमआयडीसी एरिया, अंबड़ा, ज़िला : नासिक-422010	स्वचल वाहन-वायवीय टायरों के लिए टयूब- विशिष्टि	13098		1991	
33.	3704253	23-02-2011	त्रिम्बक रबर इण्डस्ट्रीज लिमिटेड, प्लॉट सं. ए-81 से ए-87 और ए-106 से ए-112, एसटीआयसीई, पोस्ट-मुसलगांव, सिन्नर, ज़िला : नासिक-422112	स्वचल वाहन-वायवीय टायरों के लिए टयूब- विशिष्टि	13098		1991	
34.	3705861	04-03-2011	मैसर्स आरक्ष चॉलीमर प्लॉट सं. एन-121, एमआयडीसी, एमको के चक्रवाहीक, ज़िला : असांठ-429 003	पेट्र जल आपूर्ति के लिए आइस्ट्रिक्टिक पीवीसी पाईप- सिस्टम्स	4985		3000/-	
35.	3708261	15-03-2011	मैसर्स एमआरएफ लिमिटेड, (यूनिट-II) पी.बी. सं. 1, सर्वे सं. 254/0, 255/1-ए, 255/2, 255/3 और और 256/1-ए, पोंडा ज़िला : उत्तर गोवा, गोवा-403401	स्वचल वाहन-वायवीय टायरों के लिए टयूब- विशिष्टि	13098		1991	
36.	3713658	21-03-2011	मैसर्स मोम्पाटोमा टायर्स लिमिटेड, फैक्ट्री संख्या 279, 286, 287(पी) काकीवली, भिवंडी-वाडा रोड तानसा नदी के नजदीक, वाडा ज़िला : थाणे-421 312	स्वचल वाहन-वायवीय टायरों के लिए टयूब-	13098		1991	
37.	3714963	31-03-2011	मैसर्स विटेक्स फायर प्रोटेक्शन प्रा. लि., आर-363, टीटीसी, इण्ड. एरिया रबाले, नवी मुंबई ज़िला : थाणे-400701	अग्निशमन, कार्बन डाईऑक्साइड टाइप (सुबाह्य और टॉली माउण्टेड)	2878		2004	

[सं. केन्द्रीय प्रमाणन विभाग/13:11]
डॉ. एस. एल. पालकर, वैज्ञानिक 'ई' एवं प्रमुख (प्रमाणन II)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 25th January, 2012

S.O. 739.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have grant effect from the date indicate against each :—

SCHEDULE

Sl. No.	CML No.	GOL Date	Licensee Name and Address	IS Product	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3655064	13-08-2010	Duraline India Pvt. Ltd., Plot No. 24-25, Verna Electronics City, Phase IIA, Verna, Salcete, Distt. : North Goa-403722	Polyethylene Pipes for the Supply of Gaseous Fuels-Specification	14885			2001
2.	3657977	19-08-2010	Affem Rolling Pvt. Ltd. Sr. No. 98/1/8 & 9, Opp. KLJ Plasticizer, Village-Sili Silvassa Distt. : Dadra and Nagar Haveli-396230	High Strength Deformed Steel Bars and Wires for Concrete Reinforcement	1786			2008
3.	3658878	26-08-2010	Bedmutha Wire Co. Ltd., Plant-II A-70, 71, 72, STICE, Sinnar, Distt. : Nashik-422103 Maharashtra	Plain Hard-drawn Steel Wire for Prestressed Concrete-Part I : Cold Drawn Stress-relieved Wire	1783	1		1983
4.	3658979	26-08-2010	Bedmutha Wire Co. Ltd., Plant-II A-70, 71, 72, STICE, Sinnar, Distt. : Nashik-422103 Maharashtra	Indented Wire for Prestressed Concrete	6003			1983
5.	3659072	26-08-2010	Bedmutha Wire Co. Ltd., Plant-II A-70, 71, 72, STICE, Sinnar, Distt. : Nashik-422103 Maharashtra	Uncoated Stress Relieved Stand for Prestressed Concrete	6006			1983
6.	3659173	26-08-2010	Bedmutha Wire Co. Ltd., Plant-II A-70, 71, 72, STICE, Sinnar, Distt. : Nashik-422103 Maharashtra	Plain Hard-drawn Steel Wire for Prestressed Concrete : Part 2 As drawn wire	1785	2		1983
7.	3663770	09-09-2010	Sai Baba Wood Products Pvt. Ltd., Gut No. 92, Village Konsai Wada, Distt. : Thane-421303 Maharashtra	Wooden Flush Door Shutters (Solid Core Type) : Part 1 Plywood Face Panels	2202	1		1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3665572	22-09-2010	Shree Satapuda Tapi Parisar Sahakari Sakhar Karkhana Ltd., Bagasse Board Division, Purushottam Nagar Shahda, Distt. : Nandurbar-425424 Maharashtra	Wood Particle Boards (Medium Density) for General Purposes	3087		2005	
9.	3665673	23-09-2010	New Bharat Fire Protection System (Pvt.) Ltd., Gut No. 214 (Part), Village Kondla, Dinkar Pada, Tal. Wada, Distt. : Thane-432131 Maharashtra	Gas cartridges for use in fire extinguishers	4947		2006	
10.	3666978	30-09-2010	K. C. Industries Plot No. 1/1, Auxilliary Indl. Estate of Hoc Ltd., Village Turade, P.O. Rasayani Panvel, Distt. : Raigarh-410 207 Maharashtra	Drums Large Open Top	13997		1994	
11.	3667071	28-09-2010	K. C. Industries Plot No. 1/1, Auxilliary Indl. Estate Of Hoc Ltd., Village Turade, P.O. Rasayani Panvel, Distt. : Raigarh-410 207 Maharashtra	Drums, Large, Fixed Ends, Part 2 Grade B Drums	1783	2	1988	
12.	3667172	28-09-2010	K. C. Industries Plot No. 1/1, Axuillary Indl. Estate Of Hoc Ltd., Village Turade, P.O. Rasayani Panvel, Distt : Raigarh-410 207 Maharashtra	Drums, Large, Fixed Ends- Specification-Part 1: Grade A Drums	1783	1	1993	
13.	3668477	04-10-2010	K. C. Industries Plot No. 1/1, Axuillary Indl. Estate of Hoc Ltd., Village Turade, P.O. Rasayani Panvel, Distt. : Raigarh-410 207, Maharashtra	Bitumen drums	3575		1993	
14.	3671769	15-10-2010	K. C. Industries (India) Ltd., Survey No. 99/2, 8, Madhuban Indl. Area, Madhuban Dam Road, Village : Rakholi Silvassa Distt. : Dadra and Nagar Haveli-396230	Unplasticized PVC Pipes for Potable Water Supplies- Specification	4985		2000	
15.	3672973	20-10-2010	Zenith Steel Tubes and Inds. Ltd., P. O. Madap, Taluka Khalapur, Distt. : Raigarh-410 202 Maharashtra	Hollow Steel Sections for Structural Use	4923		1997	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
16.	3673268	20-10-2010	Vibhor Steel Tubes Pvt. Ltd., Pipe Nagar, (Vill.-Sukeli) NH-17, BKG Road, Via- Nagothane, Taluka-Roha, Distt. : Raigarh-402126 Maharashtra	Steel Pipes for Water and Sewage (168.3 to 2 540 mm Outside Diameter)-Specification	3589		2001	
17.	3677680	02-11-2010	Time Technoplast Limited, Survey No. 326/1/1, Dhodharpada, Village- Velugam, Silvassa, Distt. : Dadra and Nagar Haveli-396230	Glass-fibre reinforced plastic (GRP) pipes joints and fittings for use for potable water supply	12709		1994	
18.	3678480	02-11-2010	Golden Ply & Boards, Plot No. 53 & 54, Morivali MIDC, Ambernath (W) Distt. : Thane-421501 Maharashtra	Wood Products- Prelaminated Particle Boards-Specification	12823		1990	
19.	3683574	03-12-2010	Topworth Pipes & Tubes Pvt. Ltd., Khopoli-Pali Road, Village- Hedavali Sudhagad Distt. : Raigarh-410205 Maharashtra	Steel Pipes for Water and Sewage (168.3 to 2 540 mm Outside Diameter)- Specification	3589		2001	
20.	3684071	08-12-2010	Padma Industries Plot No. 390, Dinkarpada, Kondle, Village-Kudus, Wada Distt : Thane-421312 Maharashtra	Portable Fire Extinguisher Dry Powder Type (Constant Pressure)	13849		1993	
21.	3684475	09-12-2010	The Supreme Industries Limited, Unit No. III, Gat No. 47, 47/2, 48 to 50, 55 to 66, 69, 70, 72 & 73 Jalgaon- Aurangabad State Highway, At Post Gadegaon, Tal : Jamner, Distt. : Jalgaon-425114 Maharashtra	Chlorinated PVC Pipes for Potable Hot and Cold Water Distribution Supplies.	15778		2007	
22.	3685881	15-12-2010	Bhartiya Alloys & Steel Cast Ltd., Plot No. 180, 181, 182, 272 & 274, Bhiwandi Wada Road, Wada, Distt. : Thane-421303 Maharashtra	Steel for General Structural Purposes- Specification	2062		2006	
23.	3687683	10-12-2010	Kisan Mouldings Limited Survey No. 63/1, 64/1, 71, 72 Village Mahagaon, At Boisar, Palghar Distt : Thane-401501 Maharashtra	UPVC pipes for soil and waste discharge systems inside buildings including ventilation and rainwater system	13592		1992	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
24.	3688281	23-12-2010	E-Con Packaging Private Limited Survey No. 1/1/3/1, Off Chinchpada Village, Near UM Cables Silvassa Distt. : Dadra and Nagar Haveli-396230	Drums, large, Fixed Ends— Specification—Part 1 : Grade B Drums	1783	2		1998
25.	3688382	24-12-2010	E-Con Packaging Private Limited Survey No. 1/1/3/1, Off Chinchpada Village, Near UM Cables Silvassa Distt : Dadra and Nagar Haveli-396230	Drums, large, Fixed Ends— Specification—Part 1 : Grade A Drums	1783	1		1993
26.	3689889	21-12-2010	Monotona Tyres Limited Factory No. 279, 286, 287(P) Dakivali, Bhiwandi-Wada Road, Near Tansa River, Wada, Distt : Thane-421312 Maharashtra	Automotive Vehicles- Pneumatic Tyres for Commercial Vehicles- Diagonal and Radial Ply	15636			2005
27.	3694074	13-01-2011	Krishna Appliances Gala No. 7 & 8, Kumavat Indl. Estate, Bilal Pada, Gokhivra, Vasai (East), Distt : Thane-401208 Maharashtra	Wrought Aluminium Utensils-Part 1 : Cooking Table, Serving Storing and Baking Utensils	1660	1		1982
28.	3694832	17-01-2011	Topworth Pipes & Tubes Pvt. Ltd. Khopoli-Pali Road, Village-Hedaval, Sudhagad, Distt : Raigarh-401205 Maharashtra	Steel Tubes for Structural Purposes-Specification	1161			1998
29.	3696684	25-01-2011	E-Con Packaging Private Ltd. Survey No. 1/1/3/1, Off Chinchpada Village, Near UM Cables Silvassa Distt : Dadra and Nagar Haveli-396230	Drums, large open top	13997			1994
30.	3696785	28-01-2011	Midas Safety Pvt. Ltd. E-15, Engineering Zone, MIDC, Taloja Distt : Raigarh-410208 Maharashtra	Industrial Safety Helmets	2925			1984
31.	3703756	22-02-2011	Prestress Wire Industries Sy. No. 101/1/1, Turi Falia Umercoil Road, Village Falandi Silvassa Distt : Dadra and Nagar Haveli-396230	Galvanized Strand for Earthing-Specification	12776			2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
32.	3703857	24-02-2011	Art Rubber Industries Ltd., H-1, MIDC Area, Ambad, Distt : Nashik-422010 Maharashtra	Automotive Vehicles- Tubes for Pneumatic Tyres-Specification	13098			1991
33.	3704253	23-02-2011	Trambak Rubber Inds. Ltd., Plot No. A-81 to A-87 & A-106 to A-112, STICE, At & Post : Musalgaoon, Sinanr, Distt : Nashik-422112 Maharashtra	Automotive Vehicles- Tubes for Pneumatic Tyres-Specification	13098			1991
34.	3705861	04-03-2011	Aakash Ploymer, Plot No. N-121, MIDC, Near EMCCO, Distt : Jalgaon-425003 Maharashtra	Unplasticized PVC Pipes for Potable Water Supplies-Specification	4985			2000
35.	3708261	15-03-2011	MRF Ltd. (Unit 2) P.B. No. 1 P.B. No. 1, Survey No. 254/0, 255/1-A, 255/2, 255/3 & 256/1-A, Ponda, Distt : North Goa, Goa-403401	Automotive Vehicles- Tubes for Pneumatic Tyres-Specification	13098			1991
36.	3713658	21-03-2011	Monotona Tyres Ltd., Factory No. 279, 286, 287 P, Dakivli, Bhiwandi Wada Road, Distt : Thane-421312 Maharashtra	Automotive Vehicles- Tubes for Pneumatic Tyres-Specification	13098			1991
37.	3714963	31-03-2011	Vintex Fire Protection Pvt. Ltd., R-363, TTC, Indl. Area , Rabale, Navi Mumbai, Distt : Mumbai-400701 Maharashtra	Fire Extinguisher, Carbon Dioxide Type (Portable and Trolley Mounted)	2878			2004

[No. CMD/13:11]

Dr. S. L. PALKAR, Scientist 'E' & Head (Marks II)

नई दिल्ली, 7 फरवरी, 2012

का.आ. 740.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों का विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
I.	प्राइंस 16101 : 2012 सामान्य प्रकाश व्यवस्था-एल ई डी और एल ई डी मौद्यूल-शब्दावली और परिभाषाएं	—	07 फरवरी, 2012

(1)	(2)	(3)	(4)
2.	आईएस 16102 (भाग 1) : 2012 सामान्य प्रकाश सेवाओं के लिए स्वतः जलने वाले एल ई डी लैम्प भाग 1 सुरक्षा अपेक्षाएँ	—	07 फरवरी, 2012
3.	आईएस 16102 (भाग 2) : 2012 सामान्य प्रकाश सेवाओं के लिए स्वतः जलने वाले एल ई डी लैम्प भाग 2 कार्यकारिता अपेक्षाएँ	—	07 फरवरी, 2012
4.	आईएस 16103 (भाग 1) : 2012 सामान्य प्रकाश व्यवस्था के लिए एल ई डी मॉड्यूल - सुरक्षा अपेक्षाएँ	—	07 फरवरी, 2012
5.	आईएस 15885 (भाग 2/अनुभाग 13) : 2012 लैम्प कंट्रोलगियर भाग 2 : विशिष्ट अपेक्षाएँ अनुभाग 13 : एल ई डी मॉड्यूलों के लिए डी सी या ए सी सप्लाई वाले इलैक्ट्रोनी कंट्रोलगियर	—	07 फरवरी, 2012
6.	आईएस 16104 : 2012 एल ई डी मॉड्यूलों के लिए डी सी या ए सी सप्लाई वाले इलैक्ट्रोनी कंट्रोलगियर की कार्यकारिता अपेक्षाएँ	—	07 फरवरी, 2012
7.	आईएस 16105 : 2012 एल ई डी स्त्रोत की ल्युमिन देखरेख के लिए मापन पद्धतियाँ	—	07 फरवरी, 2012
8.	आईएस 16106 : 2012 सॉलिड स्टेट लाइटिंग एल ई डी उत्पादों के विद्युतीय एवं मोटरी मापन की पद्धति	—	07 फरवरी, 2012
9.	आईएस 16108 : 2012 लैम्पों और लैम्प प्रणाली की फोटोबॉयोलोजिकल सुरक्षा	—	07 फरवरी, 2012

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 23/टी-104, टी-97, टी-98, टी-99, टी-101, टी-102, टी-103, टी-105, टी-106]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 7th February, 2012

S.O. 740.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. & Year of the Indian Standards, if any Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I.	IS 16101 : 2012 General Lighting -Leds and Led modules -terms and definitions	—	07 February, 2012

(1)	(2)	(3)	(4)
2.	IS 16102 (Part 1) : 2012 Self-Ballasted Led-Lamps for General Lighting Services Part 1—Safety Requirements	—	07 February, 2012
3.	IS 16102 (Part 2) : 2012 Self-Ballasted Led-Lamps for General Lighting Services Part 2—Performance Requirements	—	07 February, 2012
4.	IS 16103 (Part 1) : 2012 Led Modules for General Lighting—Safety Requirements	—	07 February, 2012
5.	IS 15885 (Part 2/Sec 13) : 2012 Lamp Control gear Part 2 Particular Requirements Section 13 d.c. or a.c. supplied Electronic Controlgear for Led Modules	—	07 February, 2012
6.	IS 16104 : 2012 d.c. or a.c. supplied Electronic Control Gear for Led Modules - Performance Requirements	—	07 February, 2012
7.	IS 16105 : 2012 Method of measurement of Lumen maintenance of solid state light (led) sources	—	07 February, 2012
8.	IS 16106 : 2012 Method of electrical and photometric measurements of solid state lighting (led) products	—	07 February, 2012
9.	IS 16108 : 2012 Photobiological safety of lamps and lamp systems	—	07 February, 2012

Copies of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 23/T-104, T-97, T-98, T-99, T-101, T-102, T-103, T-105, T-106]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 9 फरवरी, 2012

का.आ. 741.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं :—

अनुसूची

क्रम सं	लाइसेंस संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा संख्या	भाग अनु	वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3786180	02-01-2012	अजंता मैन्युफैक्चरिंग लि., ऑरपट नगर, 8 नेशनल हाईवे, पोस्ट सामग्रियारी, तालुका भचाऊ, जिला-कच्छ, गुजरात-370150	250 बोल्ट और 16 एम्पीयर तक की रेटिंग करंट के लिए प्लग और सॉकेट निर्गम	आईएस 1293		2005	
2.	3786483	03-01-2012	श्री राजेश्वरी ज्वेलर्स, खादी भंडार के सामने, हॉस्पीटल रोड, महुवा, जिला-भावनगर, गुजरात-364290	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3.	3786584	03-01-2012	ब्रजेश ज्वेलर्स, पिंजरापा, मोची बाजार, धोराजी, जिला-राजकोट, गुजरात-360410	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
4.	3786685	03-01-2012	पटेल ज्वेलर्स, कृष्णा कॉम्प्लेक्स, बजरंगबाड़ी, स्ट्रीट नं. 2, जामनगर रोड, राजकोट, गुजरात-360006	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
5.	3786786	03-01-2012	पूजा ज्वेलर्स, सरदार पटेल रोड, सतुवाव के समीप, केशोद, जिला-जूनागढ़, गुजरात	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
6.	3786887	03-01-2012	सोनी शांतिलाल सुंदरजी, ओल्ड सोनी बाजार, जामनगर, गुजरात-361001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
7.	3787182	03-01-2012	कृष्णा कॉकास्ट प्रा. लि., सर्वे नं. 213, पैकी, मजोर सिमेंट के समीप, ग्राम शापर, तालुका कोटदा-संगानी, जिला-राजकोट, गुजरात-360024	सामान्य संरचना इस्पात में पुनर्वेल्लन के लिये कार्बन ढलवाँ इस्पात बिलेट इंगट, बिलेट, ब्लूम और स्लैब की विशिष्टि	आईएस 2830		1992	
8.	3787283	03-01-2012	समय एलॉयज (इंडिया) प्रा. लि., सर्वे नं. 213, शितलामाताजी मंदिर, मजोर सिमेंट के समीप, ग्राम शापर, तालुका कोटदा- संगानी, जिला-राजकोट, गुजरात-360024	सामान्य संरचना इस्पात में पुनर्वेल्लन के लिये कार्बन ढलवाँ इस्पात बिलेट इंगट, बिलेट, ब्लूम और स्लैब की विशिष्टि	आईएस 2830		1992	
9.	3787485	04-01-2012	जे. आर. इस्पात प्रा. लि., जीआइडीसी घंघाली रोड, सिहोर, जिला-भावनगर, गुजरात-364240	सामान्य संरचना इस्पात में पुनर्वेल्लन के लिये कार्बन ढलवाँ इस्पात बिलेट इंगट, बिलेट, ब्लूम और स्लैब की विशिष्टि	आईएस 2830		1992	
10.	3787586	04-01-2012	एटलस केबल एण्ड एसोसरिज प्रा. लि., डी-2/बी, सेक्टर 12, हिंवी इंडस्ट्रियल एरिया, गांधीधाम, जिला-कच्छ, गुजरात-370201	क्रॉसलिंकड पॉलीथीन से रोधित पीवीसी के खोल चढ़ी केबल भाग 1 1100 वो. तक कार्यकारी बोल्ट्या के लिए	आईएस 7098	1	1988	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	3788083	06-01-2012	नीलकंठ कॉन्कास्ट प्रा. लि., सर्वे नं. 221, ग्राम वादला, तालुका मुंद्रा, जिला-कच्छ, गुजरात-360410	सामान्य संरचना इस्पात में पुनर्वें ल्लन के लिये काबैन दलवाँ इस्पात बिलेट इंगट, बिलेट, ब्लूम और स्लैब की विशिष्टि	आईएस 2830		1992	
12.	3788184	06-01-2012	किवी पम्प्स 10-सप्राट इंडस्ट्रियल एरिया, एसटी वार्कशाप के समीप, गोण्डल रोड, राजकोट, गुजरात-360004	खुले कुएँ के लिए सबमर्सीबल पम्पसेट्स	आईएस 14220		1994	
13.	3793480	18-01-2012	शिव इंडस्ट्रीज ग्राम मधरीखदा, तालुका चोटिला, जिला सुરेनगर, गुजरात	बोतल बंद पानी (प्राकृतिक खनिज पदार्थ के अतिरिक्त जल)	आईएस 14543		2004	
14.	3793278	18-01-2012	ग्रीन टेक पॉलीप्लास्ट जीआइडीसी प्लॉट जी-2110, किशान गेट रोड, मेटोदा, तालुका लोधिका, जिला-राजकोट, गुजरात	पानी की आपूर्ति हेतु उच्च घनत्व पॉलीइथाइलीन पाइप	आईएस 4984		1995	
15.	3793379	18-01-2012	श्री हर्षद ज्वेलर्स मेन बाजार, लिम्डा चौक, मालिया हटिना, तालुका मालिया, जिला जूनागढ़, गुजरात-362245	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
16.	3794886	19-01-2012	शांतिलाल जमनादास एण्ड संस, राजदा रोड, हिन्द सेलेक्शन के सामने, जामखन्भालिया, जिला जामनगर, गुजरात-361305	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
17.	3794987	19-01-2012	बापा सीताराम ज्वेलर्स पोस्ट ऑफिस रोड, जामजोधपुर, जिला जामनगर, गुजरात-360530	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	
18.	3795080	19-01-2012	राज ज्वेलर्स हाजीअली चेम्बर्स, जीनपारा मेन रोड, पुलिस लाईन, वांकानेर, जिला रोजकोट, गुजरात-363621	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417		1999	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
19.	3793682	19-01-2012	श्रीजी इंडस्ट्रीज प्लॉट नं. 48/1, जीआइडीसी, तालुका महावा, जिला-भावनगर, गुजरात-364290		आईएस 8423			1994
20.	3794381	20-01-2012	फ्लॉवन पम्प्स श्री हरि एस्टेट, शेड नं. 6, अशोक कार्स्टिक के समीप, विरानी आघात, ढेबर रोड, राजकोट, गुजरात-360003	सबमर्सीबल पम्पसेट्स	आईएस 8034			2002
21.	3794482	20-01-2012	फ्लॉवन पम्प्स श्री हरि एस्टेट, शेड नं. 6, अशोक कार्स्टिक के समीप, विरानी आघात, ढेबर रोड, राजकोट, गुजरात-360003	खुले कुएँ के लिए सबमर्सीबल पम्पसेट्स	आईएस 14220			1994
22.	3794583	20-01-2012	लीडर इलेक्ट्रिक प्लॉट नं. 150, सर्वे नं. 160, 2, दीन दयाल एस्टेट, एनएच 8-बी, राजकोट, गुजरात-360004	खुले कुएँ के लिए सबमर्सीबल पम्पसेट्स	आईएस 14220			1994
23.	3794785	20-01-2012	टॉफलैंड इंजिंस प्रा. लि., प्लॉट नं. 213/214, जीआइडीसी इंडस्ट्रियल एरिया, लोथिका, मेटोडा, कालावाड रोड, राजकोट, गुजरात-360021	परफॉरमेंस रिक्वायरमेंट फॉर कॉन्स्ट्रैट स्पीड कम्प्रेसन इंजि (डिजल) इंजिंस फॉर एग्रीकल्चर परप्रस (अप टू 20 के डब्ल्यू)	आईएस 11170			1985
24.	3795989	23-01-2012	शिवम् इंजिनियर्स सर्वे नं. 237, प्लॉट नं. 4/बी, विकास स्ट्रोव के पीछे, ग्राम वेरावल, तालुका कोटदा संगानी, जिला राजकोट, गुजरात-360024	सिचाई उपस्कर-हाइड्रोसाइक्लोन फिल्टर-विशिष्टि	आईएस 14743			1999
25.	3798793	31-01-2012	व्रात्सल ज्वेलर्स काशी, विश्वनाथ चेम्बर्स, माण्डवी टॉवर, चांदी बाजार, जामनगर, गुजरात-361001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417			1999
26.	3798894	31-01-2012	जेवर कीर्ति मंदिर के सामने, सोनी बाजार, पोरबंदर, गुजरात-360575	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
27.	3798995	31-01-2012	ओम ज्वेलर्स स्टेशन रोड, धासा भावनगर, गुजरात-364730	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्टि	आईएस 1417			1999
28.	3799088	31-01-2012	सलासार स्टील इंडस्ट्रीज सर्वे नं. 147, ग्राम नेसदा, तालुका सिहोर, ज़िला भावनगर, गुजरात-364240	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार	आईएस 1786			2008
29.	3799189	31-01-2012	केयर इस्पात लि., सर्वे नं. 225, प्लॉट नं. 1, जीआइडीसी IV, घंघाली रोड, घंघाली, तालुका सिहोर, ज़िला भावनगर, गुजरात-364240	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार	आईएस 1786			2008

[सं. केन्द्रीय प्रमाणन विभाग/13:11]
एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th February, 2012

S.O. 741.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3786180	02-01-2012	Ajanta manufacturing Ltd., Orpatnagar, 8A, National Highway, Post : Samkhiyari, Talika-Bhachau, District Kachchh, Gujarat-370150	Plugs and socket outlets of 250 volts and rated current up to 16 amperes	IS 1293			2005
2.	3786483	03-01-2012	Shree Rajeshwari Jewellers Opp. Khadi Bhandar, Hospital Road, Mahuva, District Bhavnagar, Gujarat-364290	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417			1999
3.	3786584	03-01-2012	Vrajesh Jewellers Pirjara PA, Mochi Bazar, Dhoraji, District Rajkot, Gujarat-360410	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417			1999
4.	3786685	03-01-2012	Patel Jewellers Krishna Complex, Bajarang- wadi, Street No. 2, Jamnagar Road, Rajkot, Gujarat-360006	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	3786786	03-01-2012	Pooja Jewellers Sardar Patel Road, Near Sutavav, Keshod, District Junagadh, Gujarat	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417		1999	
6.	3786887	03-01-2012	Soni Shantilal Sunderji Old Soni Bazar, Opp. Jain Derasar, Jamnagar, Gujarat-361001	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417		1999	
7.	3787182	03-01-2012	Krishna Concast Pvt. Ltd., Survey No. 213, Paiki, Near Major Cement, At Village Shapar, Taluka Kotda-Sangani, Shapar, District-Rajkot, Gujarat-360024	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	IS 2830		1992	
8.	3787283	03-01-2012	Samay Alloys (India) Pvt. Ltd. Survey No. 213, B/H Sitala Mataji Mandir, Near Major Cement, At Village Shapar (Veraval), Shapar District-Rajkot, Gujarat-360024	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	IS 2830		1992	
9.	3787485	04-01-2012	J. R. Ispat Pvt. Ltd., GIDC Ghaghali Road, Sihor, District Bhavnagar, Gujarat-364240	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	IS 2830		1992	
10.	3787586	04-01-2012	Atlas Cable & Accessories Pvt. Ltd., D-2/B, Sector 12, Heavy Industrial Area, Gandhidham, District-Kachchh, Gujarat-370201	Cross-linked polyethylene insulated PVC sheathed cables : part 1 for working voltage upto and including 100 V	IS 7098	I		1988
11.	3788083	06-01-2012	Nilkanth Concast Pvt. Ltd., Survey No. 221, Village Vadala, Taluka : Mundra, District : Kachchh, Gujarat-360410	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	IS 2830		1992	
12.	3788184	06-01-2012	Kiwi Pumps 10-Samrat Industrial Area, Near S T Workshop, Gondal Road, Rajkot, Gujarat-360004	Openwell submersible pumpsets	IS 14220		1994	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
13.	3793480	18-01-2012	Shiv Industries, At Magharikhda, Village Magharikhda, Taluka Chotila, District Surendranagar, Gujarat	Packaged drinking water (other than packaged natural mineral water)-	IS 14543		2004	
14.	3793278	18-01-2012	Green Tech Ployplast GIDC Plot No. G-2110, Kishan Gate Road, At Metoda, Taluka Lodhika, District Rajkot, Gujarat	High density ployethylene pipes for potable water supplies	IS 4984		1995	
15.	3793379	18-01-2012	Shree Harsad Jewellers, Main Bazar, Limda Chowk, Maliya Hatina, Taluka Maliya, District Junagadh, Gujarat-362 245	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417		1999	
16.	3794886	19-01-2012	Shantilal Jamnadas and Sons, Rajda Road, Opp. Hind Selection, Jam Khambhalia, District Jamnagar, Gujarat-361305	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417		1999	
17.	3794987	19-01-2012	Bapa Sitaram Jewellers, Post Office Road, Jamjodhpur, District Jamnagar, Gujarat-360 530	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417		1999	
18.	3795080	19-01-2012	Raj Jewellers, Hajiali Chambers, Jinpara Main Road, Police Line, Wankaner, District Rajkot, Gujarat-363 621	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417		1999	
19.	3793682	19-01-2012	Shreeji Industries, Plot No. 48/1, GIDC, Taluka Mahuva, District Bhavnagar, Gujarat-364 290	Controlled percolating , hose for fire fighting	IS 8423		1994	
20.	3794381	20-01-2012	M/s. Flowone Pumps, Shri Hari Estate, Shed No. 6, Nr. Ashok Casting, Virani Aghat, Dhebar Road, Rajkot, Gujarat-360 003	Submersible pumpsets -	IS 8034		2002	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
21.	3794482	20-01-2012	M/s Flowone Pumps, Shri Hari Estate, Shed No. 6, Nr. Ashok Casting, Virani Aghat, Dhebar Road, Rajkot, Gujarat-360 003	Openwell submersible pumpsets -	IS 14220			1994
22.	3794583	20-01-2012	Leader Electric, Plot No. 150, Survey No. 160, 2 Dindayal Estate, N.H. 8/B, Rajkot, Gujarat-360 004	Openwell submersible pumpsets -	IS 14220			1994
23.	3794785	20-01-2012	Topland Engines Pvt. Ltd., Plot No. 213/214, GIDC Industrial Estate, Lodhika, Methoda, Kalawad Road, District Rajkot, Gujarat-360 021	Performance requirements for constant speed compression ignition (diesel) engines for agricultural purposes (up to 20 kw)	IS 11170			1985
24.	3795989	23-01-2012	Shivam Engineers, Survey No. 237, Plot No. 4/B, Behind Vikas Stove, Village Veraval, Taluka Kotda Sangani, District Rajkot, Gujarat-360 024	Irrigation equipment - hydrocyclone filters -	IS 14743			1999
25.	3798793	31-01-2012	Vatsal Jewellers, Kashi Vishvanath Chambers, Mandavi Tower, Chandi Bazar, District Jamnagar, Gujarat-361 001	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417			1999
26.	3798894	31-01-2012	Zever, Opp. Kirti mandir, Soni Bazar, Porbandar, Gujarat-360 575	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417			1999
27.	3798995	31-01-2012	Om Jewellers, Station Road, Dhasa, District Bhavnagar, Gujarat-364 730	Gold and gold alloys, jewellery/artefacts— fineness and marking	IS 1417			1999
28.	3799088	31-01-2012	Salasar Steel Industries, Survey No. 147, Village Nesda, Taluka Sihor, District Bhavnagar, Gujarat-364 240	High strength deformed steel bars and wires for concrete reinforcement	IS 1786			2008
29.	3799189	31-01-2012	Keyur Ispat Limited, Survey No. 225, Plot No. 1, GIDC IV, Ghangali Road, At Ghangali, Taluka Sihor, District Bhavnagar, Gujarat-364 240	High strength deformed steel bars and wires for concrete reinforcement	IS 1786			2008

[No. CMD/13:11]

M. RADHAKRISHNA, Scientist 'F' & Head

नई दिल्ली, 9 फरवरी, 2012

का.आ. 742.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस रद्द किए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम भारतीय मानक का शीर्षक	रद्दीकरण तिथि
(1)	(2)	(3)	(4)	(5)
1.	7550777	एंकर इलेक्ट्रिकल्स प्रा. लि. सर्वे नं. 234, 235, 236, ग्राम लखोड़, पोस्ट कुकमा, तालुका भुज, जिला कच्छ, गुजरात-370105	Firm request vide letter No. AEPL LQC/017/11 dated 28-11-2011	18-01-2012

[सं. केन्द्रीय प्रमाणन विभाग/13:11]
एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th February, 2012

S.O. 742.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :-

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7550777	Anchor Electricals Pvt. Ltd., Survey No. 234, 235, 236, Village- Lakhond P.O. Kukma, Taluka : Bhuj, District : Kachchh, Gujarat-370105	Firm request vide letttr No. AEPL/LQC/017/11 dated 28-11-2011	18-01-2012

[No. CMD/13:11]

M. RADHAKRISHNA, Scientist 'F' & Head

नई दिल्ली, 10 फरवरी, 2012

का.आ. 743.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2026 (भाग 5): 2011 पॉवर ट्रांसफार्मर : भाग 5 शार्ट सर्किट को सहन करने की क्षमता (पहला पुनरीक्षण)	-	10 फरवरी, 2012

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बत्तर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 16/टी-33]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 10th February, 2012

S.O. 743 .—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards to particulars of which is given in the Schedule hereto annexed has been established on the indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 2026 (Part 5): 2011 Power Transformers : Part 5 Ability to withstand short circuit (First Revision)	---	10 February, 2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 16/T-33]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 10 फरवरी, 2012

का.आ. 744 .—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 13049:1991	2, नवम्बर 2011	8-2-2012

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'जी' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 10th February, 2012

S.O. 744 .—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl.No.	No. and year of the Indian Standard	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
	IS 13049:1991	2, November, 2011	08 February, 2012

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'G' & Head (Civil Engg.)

नई दिल्ली, 15 फरवरी, 2012

का.आ. 745 —भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम 5 के अनुसरण में भारतीय मानक व्यूरो एतदद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि सीएम/एल	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु. अनुसूची	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9906497	1-1-2012	मैसर्स केबीएस फैन इण्डस्ट्रीज, 213/195 ए, ग्राउन्ड फ्लॉर, ब्लॉक जी, राजेन्द्र पार्क, जिला गुडगांव-122101 (हरियाणा)	बिजली के घरेलू और समान साधित्रों की सुरक्षा- विवरणात्मक अपेक्षा -विद्युत रेडियेटर	302	2	30	2007
2.	L-9904901	2-1-2012	मैसर्स यादव इण्टरप्राइसिस, अनंगपुर डेवरी, सेक्टर 37, देवी सहाय मार्केट, निकट डी एस डोर, जिला फरीदाबाद (हरियाणा)	मोटरसाईकिल चालकों के लिए संरक्षी हैल्पेट	4151	-	-	1993
3.	L-9905495	3-1-2012	मैसर्स इण्डो मैनुफैक्चरिंग कम्पनी, बी-19, गांव बड़खल, एन आई टी फरीदाबाद-121001 (हरियाणा)	निम्नजनीय पम्पस्सैट	8034	-	-	2002
4.	L-9911187	6-1-2012	मैसर्स विवेक सहगल इण्डस्ट्रीज, 2213, एम आई ई, भाग बी, बहादुरगढ़, जिला झज्जर - 124507 (हरियाणा)	स्टील बट हिंजिस	1341	-	-	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	L-9906804	10-1-2012	मैसर्स एच. के. इंटरप्राइसिस, 1725, एम आई ई, भाग बी, बहादुरगढ़ जिला झज्जर - 124507, (हरियाणा)	पोर्टेबल फायर एक्सटिंगशर परफोर्मेंसड और कंसट्रक्शन	15683	-	-	2006
6.	L-9907095	10-1-2012	मैसर्स केबीएस फैन इण्डस्ट्रीज, 213/195 ए, ग्राउन्ड फ्लोर, ब्लॉक जी, राजेन्द्र पार्क, जिला गुडगांव-122101, (हरियाणा)	बिजली के छत के पंछे व रेग्लेटर	374	-	-	1979
7.	L-9907297	10-1-2012	मैसर्स केबीएस फैन इण्डस्ट्रीज, 213/195 ए, ग्राउन्ड फ्लोर, ब्लॉक जी, राजेन्द्र पार्क, जिला गुडगांव-122101 (हरियाणा)	बिजली के घरेलू और ¹ समान साधित्रों की सुरक्षा- विवरणात्मक अपेक्षा -विद्युत इस्तरी	302	2	3	2007
8.	L-9906905	11-1-2012	मैसर्स केबीएस फैन इण्डस्ट्रीज, 213/195 ए, ग्राउन्ड फ्लोर, ब्लॉक जी, राजेन्द्र पार्क, जिला गुडगांव-122101 (हरियाणा)	सामान्य प्रयोजन के लिए एक फेजी लघु ए सी प्रेरण मोटरें	996	-	-	2009
9.	L-9907196	17-1-2012	मैसर्स केबीएस फैन इण्डस्ट्रीज, 213/195 ए, ग्राउन्ड फ्लोर, ब्लॉक जी, राजेन्द्र पार्क, जिला गुडगांव-122101 (हरियाणा)	विद्युत इस्तरी	366	-	-	1991
10.	L-9910286	20-1-2012	मैसर्स एच. के. इंटरप्राइसिस, 1725, एम आई ई, भाग बी, बहादुरगढ़ जिला झज्जर - 124507 (हरियाणा)	स्वचालित स्प्रींकलर हैंडस फोर फायर प्रोटेक्शन सेवा	9972	-	-	2002

[सं. सीएमडी/13:11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख(एफ. डी. ओ)

New Delhi, the 15 February, 2012

S.O. 745.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No. CM	Grant Date	Name and Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9906497	1-1-2012	M/s. KBS Fan Industries, 213/195 A, Ground Floor, Block-G, Rajendra Park, Distt. Gurgaon-122101 Haryana	Safety of household and similar electrical appliance-Particular -requirements -Electric radiators	302	2	30	2007

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	L-9904901	2-1-2012	M/s Yadav Enterprises, Anangpur Dairy, Sector-37, Devi Sahai Market, Near D.S. Door, Dist. Faridabad, Haryana	Protective helmets for scooter & motorcycle riders	4151	-	-	1993
3.	L-9905495	3-1-2012	M/s Indo Manufacturig Compay, B-19, Village Badkhal, N.I.T., Faridabad, Haryana	Submersible Pumpsets	8034	-	-	2002
4.	L-9911187	6-1-2012	M/s Vivek Sehgal Industies, 2213, M.I.E., Part-B. Bahadurgarh, Distt. Jhajjar-124507 Haryana	Steel Butt Hinges	1341	-	-	1992
5.	L-9906804	10-1-2012	M/s H. K Enterprises 1725, M.I.E., Part-B. Bahadurgarh, Distt. Jhajjar-124507 Haryana	Poatable Fire Extinguishers- Performance and Construction	15683	-	-	2006
6.	L-9907095	10-1-2012	M/s KBS Fan Industries, 213/195 A Ground Floor, Block-G Rajendar Park, Distt. Gurgaon-122101 Haryana	Electric ceiling type fans and regulators	374	-	-	1979
7.	L-9907297	10-1-2012	M/s KBS Fan Industries, 213/195 A Ground Floor, Block-G Rajendar Park, Distt. Gurgaon-122101 Haryana	Safety of household and similar electrical appliance-Particular requirements -Electric iron	302	2	3	2007
8.	L-9906905	11-1-2012	M/s KBS Fan Industries, 213/195 A Ground Floor, Block-G Rajendar Park, Distt. Gurgaon-122101 Haryana	Single phase small ac and universal electric motors	996	-	-	2009
9.	L-9907196	17-1-2012	M/s KBS Fan Industries, 213/195 A Ground Floor, Block-G Rajendar Park, Distt. Gurgaon-122101 Haryana	Electric iron	366	-	-	1991
10.	L-9910286	20-1-2012	M/s H. K Enterprises 1725, M.I.E., Part-B. Bahadurgarh, Distt. Jhajjar-124507 Haryana	Automatic Sprinkler Heads for Fire Protection Service	9972	-	-	2002

[No. CMD/13:11]
M. SADASIVAM, Scientist F & Head (FDO)

नई दिल्ली, 16 फरवरी, 2012

का.आ. 746 —भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15894:2011 (आईएस 9121:2005 और आईएस 9687:1980 का अतिक्रमण) जाँच के लिए निरीक्षण गेज की टाइप । (साइज 1, 2 एवं 3) गैस सिलिंडर वाल्व और वाल्व और सिलिंडर नैक्स की शुडांकार चूड़ियाँ- शुडांकार व्यास पर 16 अर्धव्यास पर । - विशिष्टि	आईएस 9121:2005 गैस सिलिंडर वाल्व की 1/16 शुडांकार, टाइप । (साइज 2) चूड़ियों की जाँच के लिए निरीक्षण गेज- विशिष्टि (पहला पुनरीक्षण)	31 दिसम्बर, 2011
		आईएस 9687:1980 गैस सिलिंडर वाल्व की 1/16 शुडांकार, टाइप । (साइज 1) चूड़ियों की जाँच के निरीक्षण गेज- विशिष्टि	

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं । भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है ।

[संदर्भ : एम.ई.डी./जी-2:1]

जे. ए. सिद्धीकी, वैज्ञानिक 'ई' निदेशक (यांत्रिक इंजीनियरिंग)

New Delhi, the 16th February, 2012

S.O. 746 —In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15894 : 2011 (Superseding IS 9121:2005 and IS 9687:1980) Inspection Gauges for Checking Type 1 (Size 2) Taper Threads of Gas Cylinder Valves, Taper 1 in 16 - Specification (First Revision)	IS 9121:2005 Inspection Gauges for Checking Type 1 (Size 2) Taper Threads of Gas Cylinder Valves, Taper 1 in 16 - Specification (First Revision)	31 December, 2011

(1)	(2)	(3)	(4)
1 (Size 1,2 and 3) Taper Threads of Gas Cylinder Valves and Cylinder Necks - Taper 1 in 16 on Diameter Specification		IS 9687:1980 Specification for Inspection Gauges for Checking Type I (Size 1) Taper Threads of Gas Cylinder Valves, Taper 1 in 16	

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram. On-line purchase of Indian Standard can be made at : <http://www.standardsbis.in>.

[Ref: MED/G-2:1]

J. A. SIDDIQUI, Scientist 'E' Director (Mechanical Engineering)

कोयला मंत्रालय

आदेश

नई दिल्ली, 10 फरवरी, 2012

का.आ. 747.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 27 नवम्बर, 2010 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2920 तारीख 19 नवम्बर, 2010 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसके पश्चात् उक्त भूमि कहा गया है) और ऐसी भूमि में, या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्मांतिक रूप से कन्द्रीय सरकार में निहित हो गए थे ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसके पश्चात् 'सरकारी कंपनी' कहा गया है) ऐसे निबंधनों और शर्तों का, अनुपालन करने के लिए रजामंद है, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित भूमि और उक्त भूमि में या उस पर के सभी अधिकार, तारीख 27 नवम्बर, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

1. सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ल्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;

2. उक्त अधिनियम की धारा 14 के अधीन केन्द्रीय सरकार शर्त (1) के अधीन, कम्पनी द्वारा को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए एक अधिकरण का गठन किया जाएगा और ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा बहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा बहन किये जाएंगे;

3. सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;

4. सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी : और

5. सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं ।

[फा. सं. 43015/29/2008-पी आर आई डब्ल्यू-I]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 10th February, 2012

S.O. 747 .—Whereas, on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 2920, dated the 19th November, 2010 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated the 27th November, 2010, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby directs that the said lands and all rights in or over the said lands so vested shall with effect from the 27th November, 2010, instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

1. The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;

2. A Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the Government Company under conditions (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the Government Company ;

3. The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested ;

4. The Government Company shall have no power to transfer the said lands to any other persons without the prior approval of the Central Government ; and

5. The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said land, as and when necessary.

[F. No. 43015/29/2008-PRIW-I]

A. K. DAS, Under Secy.

नई दिल्ली, 10 फरवरी, 2012

का.आ. 748 .—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

उक्त अनुसूची में विहित भूमि के अंतर्गत आने वाले क्षेत्र के ब्यौरे रेखांक संख्या एसईसीएल/बीएसपी/सीजीएम (पोएलजी)/भूमि/414 तारीख 26 सितम्बर, 2011 का निरीक्षण कलेक्टर, कोरबा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, कांडमिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साऊथ इस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है ।

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में उल्लिखित भूमि में हितबद्ध कोई व्यक्ति-

- (i) संपूर्ण भूमि या उसके किसी भाग के अर्जन या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के प्रति आक्षेप कर सकेगा; या
- (ii) भूमि या ऐसी भूमि में या उस पर किसी अधिकार के प्रतिकर में हित का दावा यदि कोई हो या कर सकेगा; या
- (iii) प्रभावहीन हो गई पूर्वेक्षण अनुज्ञाप्तियों, खनन पट्टों के अधीन अर्जित किये जाने पर अधिकारों के लिए प्रतिकर प्राप्त कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट भूमि के कोरों से संग्रहण या अन्य खनिज नमूनों तथा उनके सम्बन्धीय विश्लेषण को तथा किसी अन्य सुसंगत अभिलेख या सामग्रियों को निर्मित से संबंधित सभी मानचित्र चार्ट और अन्य दस्तावेज

परिदृश्य कर सकेगा।

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साऊथ ईस्टन कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

बुन्देली ब्लॉक

कोरबा क्षेत्र

जिला-कोरबा (छत्तीसगढ़)

[रेखांक संख्या एसईसीएल/बीएसपी/सीजीएम (पीएलजी)/भूमि/414 तारीख 26 सितम्बर, 2011]

तहसील-कोरबा

जिला-कोरबा

क्रम सं.	ग्राम	ग्राम नम्बर	पटवारो हस्का नम्बर	क्षेत्र (हेक्टर में)	टिप्पणी
(1)	(2)	(3)	(4)	(5)	(6)
1.	ढेलवाडीह	अनसर्वेंड	05	187.774	भाग
2.	नकटीखार	अनसर्वेंड	05	102.873	भाग
3.	पण्डरीपानी	247	05	553.755	संपूर्ण
4.	रापाखर्रा	अनसर्वेंड	05	28.595	भाग
5.	कुदरीडीह	अनसर्वेंड	05	72.359	भाग
6.	बरबसपुर	अनसर्वेंड	06	234.362	भाग
7.	कुरुडीह	546	05	357.766	भाग
8.	करमन्दी	244	09	138.858	भाग
9.	बेन्द्रकोना	245	09	445.236	भाग
10.	गोढी	248	05	587.881	संपूर्ण
11.	बुन्देली	अनसर्वेंड	10	273.816	भाग
12.	करुमहुआ	अनसर्वेंड	10	104.123	भाग
13.	अच्छीमार	अनसर्वेंड	09	44.430	भाग

कुल :— 3131.828 हेक्टर (लगभग) या 7738.74 एकड़ (लगभग)

सीमा वर्णन :

- क-ख : रेखा ग्राम दादर-ढेलवाडीह के सम्मिलित सीमा पर “क” बिन्दु से आरंभ होती है और ग्राम ढेलवाडीह, नकटीखार, बुन्देली के मध्य भाग से साथ-साथ चलती हुई ग्राम बुन्देली-करुमहुआ के सम्मिलित सीमा पर बिन्दु “ख” पर मिलती है।
- ख-ग : रेखा ग्राम करुमहुआ के मध्य भाग से चलती हुई ग्राम करुमहुआ-अच्छीमार के सम्मिलित सीमा पर बिन्दु “ग” पर मिलती है।
- ग-घ : रेखा ग्राम अच्छीमार के उत्तरी भाग, ग्राम बेन्द्रकोना, करमन्दी के पूर्वी भाग से साथ-साथ चलती हुई ग्राम करमन्दी के दक्षिणी सीमा पर “घ” बिन्दु पर मिलती है।
- घ-ड. : रेखा ग्राम करमन्दी के दक्षिणी सीमा से चलती हुई “घ” बिन्दु पर मिलती है।
- ड.-च : रेखा ग्राम बरबसपुर के भागत: दक्षिणी सीमा से चलती हुई “च” बिन्दु पर मिलती है।
- च-छ : रेखा ग्राम बरबसपुर के भागत: पश्चिमी सीमा से चलती हुई “छ” बिन्दु पर मिलती है।

छ-ज : रेखा ग्राम बरवसपुर के उत्तरी भाग, ग्राम कुदरीडीह, के मध्य भाग से साथ-साथ चलती हुई ग्राम कुदरीडीह-रापाखरा के सम्मिलित सीमा पर 'ज' बिन्दु पर मिलती है।

ज-क : रेखा ग्राम रापाखरा के पूर्वी भाग ग्राम ढेलवाडीह के पश्चिमी भाग से साथ-साथ चलती हुई आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/17/2011-पी आर आई डब्ल्यू-I]

ए. के. दास, अवर सचिव

New Delhi, the 10th February, 2012

S. O. 748.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/BSP/CGM (PLG)/Land/414, dated 26th September, 2011 containing details of the area of land described in the said Schedule may be inspected at the office of the Collector, Korba (Chhattisgarh) or at the office of the Coal Controller, 1 Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said schedule ;

Any persons interested in the land described in the said Schedules may -

- (i) Object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act.

to the Officer-in-Charge or Head of the Department ((Revenue) South Eastern Coalfields Limited , Seepat Road, Bilaspur-495006 (Chhattisgarh) ; within a period of ninety days from the date of publication of this notification in the Official Gazette.

**SCHEDULE
BUNDELI BLOCK
KORBA AREA
DISTRICT—KORBA (Chhattisgarh)**

[Plan bearing number: SECL/BSP/CGM (PLG)/Land/414, dated 26th September, , 2011]

TAHSIL-KORBA

DISTRICT-KORBA

Sl. No.	Name of Village	Village Number	Patwari Halka Number	Area in hectares	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	Dhelwadih	Unsurveyed	05	187.774	Part
2.	Naktikhar	Unsurveyed	05	102.873	Part
3.	Pandripani	247	05	553.755	Full
4.	Rapakharra	Unsurveyed	05	28.595	Part
5.	Kudridih	Unsurveyed	05	72.359	Part
6.	Barbaspur	Unsurveyed	06	234.362	Part
7.	Kurrudih	546	05	357.766	Part
8.	Karmandi	244	09	138.858	Part

(1)	(2)	(3)	(4)	(5)	(6)
9.	Bendarpora	245	09	445.236	Part
10.	Godhi	248	05	587.881	Full
11.	Bundeli	Unsurveyed	10	273.816	Part
12.	Karumahua	Unsurveyed	10	104.123	Part
13.	Anchhimar	Unsurveyed	09	44.430	Part

TOTAL : 3131.823 hectares (approximately) or 7738-74 acres (approximately)

BOUNDARY DESCRIPTION:

- A-B Line starts from point 'A' on the common boundary of villages Dadar-Dhelwadih and passes through middle part of village Dhelwadih, Naktikhar and Bundeli and meets at point "B" on the common boundary of villages Bundeli-Karumahua.
- B-C Line passes through middle part of village Karumahua and meets at Point "C" on the common boundary of villages Karumahua-Anchhimar.
- C-D Line passes along partly common boundary of villages Karumahua-Anchhimar then through northern part of village Anchhimar, eastern part of village Bendarpora and Karmandi and meets at Point "D" on the southern boundary of village Karmandi.
- D-E Line passes through middle part of village Karmandi, southern part of village Kurrudih and Barbaspur and meets at Point "E" on the southern boundary of village Barbaspur.
- E-F Line passes along partly southern boundary of village Barbaspur and meets at Point "F"
- F-G Line passes along partly western boundary of village Barbaspur and meets at Point "G".
- G-H Line passes through northern part of village Barbaspur, middle part of village Kudridih and meets at Point "H" on the common boundary of villages Kudridih- Rapakharra.
- H-A Line passes through eastern part of village Rapakharra, western part of village Dhelwadih and meets at starting Point "A".

[F. No 43015/17/2011-PRIW-I]
A. K. DAS, Under Secy.

नई दिल्ली, 10 फरवरी, 2012

का.आ. 749.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपावद्ध अनुमूली में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने को संभावना है :

और संखांक संख्या एसईसीएल/बीएमपी/जीएम (पीएलजी)/लैंड/400 तारीख 23 नवम्बर, 2010 को उक्त अनुमूली में वर्णित भूमि के क्षेत्र का अन्तर्विष्ट किया गया है, उनका निरीक्षण कलेक्टर, रायगढ़ (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, ।, कांउसिल हाऊस स्ट्रीट, कोलकाता - 700001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है ।

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उस अधिनियम कहा गया है) की धारा 4 की उपधारा (।) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुमूली में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है :

उक्त अनुमूली में वर्णित भूमि में हितेवद्ध कोई व्यक्ति-

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा, या
 - (ii) भूमि या ऐसी भूमि में या उस पर किसी अधिकार के प्रतिकर में हित का यदि कोई दावा कर सकेगा; या
 - (iii) खनन पट्टा अर्जित किये जाने के अधीन अधिकारों की पूर्वेक्षण अनुमति प्रभावहीन हो जाने और भूमि संबंधी सभी नक्शों, चारों तथा अन्य दस्तावेजों का परिदान, अस्तकों या अन्य खनिजों के नमूनों का संग्रहण और उनका सम्यक् विश्लेषण करने के लिए तथा उक्त अधिनियम की धारा 13 की उपधारा (७) में निर्दिष्ट कोई अन्य सुसंगत अभिलेखों या सामग्रियों की तैयारी के लिए प्रतिकर,
- इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे ।

अनुसूची
लटोरी और तुलसी ब्लॉक
भटगांव क्षेत्र
जिला-सरगुजा (छत्तीसगढ़)

में कोयले का पूर्वेक्षण के लिए प्रस्तावित भूमि का वर्णन

(रेखांक संख्या एसईसीएल/बीएसपी/जीएम (पीएलजी)/लैंड/400, तारीख 23 नवम्बर, 2010)

क. राजस्व भूमि :

क्रम सं.	ग्राम का नाम	ग्राम नम्बर	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	तुलसी	175	सुरजपुर	सरगुजा	354.000	संपूर्ण
2.	जगतपुर	141	सुरजपुर	सरगुजा	190.000	संपूर्ण
3.	बृजनगर	298	सुरजपुर	सरगुजा	413.000	संपूर्ण
4.	गंगापुर	118	सुरजपुर	सरगुजा	298.000	भाग
5.	बिहारपुर	284	सुरजपुर	सरगुजा	361.000	संपूर्ण
6.	गजाधरपुर	104	सुरजपुर	सरगुजा	57.000	भाग
7.	अनुजनगर	11	सुरजपुर	सरगुजा	309.000	भाग
8.	हरीपुर	419	सुरजपुर	सरगुजा	233.000	संपूर्ण
9.	पाठकपुर	240	सुरजपुर	सरगुजा	205.000	भाग
10.	सुन्दरगंज	405	सुरजपुर	सरगुजा	32.000	भाग
11.	लटोरी	363	सुरजपुर	सरगुजा	84.000	भाग
12.	महेशपुर	326	सुरजपुर	सरगुजा	240.000	भाग
13.	कसलगिरी	52	सुरजपुर	सरगुजा	6.000	भाग
14.	जुडवानी	150	सुरजपुर	सरगुजा	188.000	भाग
15.	करवां	41	सुरजपुर	सरगुजा	433.000	भाग
16.	मजीरा	313	सुरजपुर	सरगुजा	431.000	भाग
17.	पीडिया	249	सुरजपुर	सरगुजा	51.000	भाग
18.	मोहनपुर	333	सुरजपुर	सरगुजा	43.000	भाग
19.	सोनगरा	114	प्रतापपुर	सरगुजा	81.000	भाग
20.	झींगादोहर	33	प्रतापपुर	सरगुजा	38.000	भाग
21.	श्यामनगर	97	प्रतापपुर	सरगुजा	33.000	भाग
22.	सकलपुर	102	प्रतापपुर	सरगुजा	296.000	भाग
23.	द्वारिकानगर	189	सुरजपुर	सरगुजा	39.000	भाग

कुल :— 4415.000 हेक्टर (लगभग) या 10909.46 एकड़ (लगभग)

ख. वन भूमि:-

क्रम सं.	वन का प्रकार	रेंज	डिविजन	क्षेत्रफल (हेक्टर में)	टिप्पणी
1	2	3	4	5	6
1.	प्रोटेक्टेड फारेस्ट	सुरजपुर	साउथ सरगुजा	800.000	भाग

कुल :— 800.000 हेक्टर (लगभग) या 1976.80 एकड़ (लगभग)

कुल योग (क+ख) : 5215.000 हेक्टर (लगभग) या 12886.26 एकड़ (लगभग)

लटोरी और तुलसी ब्लाक का सीमा वर्णन :

क-ख : रेखा ग्राम महेशपुर के पश्चिमी सीमा पर “क” बिन्दु से आरंभ होती है और उसी ग्राम के भागतः पश्चिमी सीमा से साथ-साथ चलती हुई ग्राम शिवसागर-कसलगिरी के सम्मिलित सीमा पर बिन्दु ‘ख’ पर मिलती है।

ख-ग-घ-ड-च : रेखा ग्राम कसलगिरी, जुडवानी, कारवां, बिन्दु “ग”, ग्राम श्यामनगर, सकलपुर, झींगादोहर, बिन्दु ‘घ’ ग्राम सोनगरा, बिन्दु ‘ड’ ग्राम तुलसी, मोहनपुर, सुन्दरगंज से साथ-साथ चलती हुई ग्राम सुन्दरगंज-पाठकुर के सम्मिलित सीमा पर “च” बिन्दु पर मिलती है।

च-छ-ज-झ-अ : रेखा ग्राम पाठकुर, पीडिया, बिन्दु ‘छ’, ‘ज’ ग्राम मजीरा, द्वारिकानगर, बिन्दु ‘झ’ ग्राम लटोरी, अनुजनगर, गजाधरपुर से साथ-साथ चलती हुई ग्राम गजाधरपुर में “अ” बिन्दु पर मिलती है।

अ-क : रेखा ग्राम गजाधरपुर, कारवां और महेशपुर से साथ-साथ चलती हुई आरंभिक बिन्दु “क” पर मिलती है।

[फा.सं. 43015/30/2010-पीआरआईडब्ल्यू-I]

ए. क. दास, अवर सचिव

New Delhi, the 10th February, 2012

S. O. 749.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/BSP/GM (PLG)/Land/400 dated the 23rd November, 2010 of the area covered by this notification can be inspected in the office of the Collector, Surguja (Chhattisgarh) or at the office of the Coal Controller, 1 Council House Street, Kolkata-700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said Schedule ;

Any persons interested in the land described in the said Schedules may ---

- (i) Object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of section 13 of the said Act;

to the Office-in-charge or Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE.

Brief description of the lands to prospect for coal in Latori and Tulsi Block, Bhatgaon Area, District- Surguja (Chhattisgarh).

[Plan bearing number SECL/BSP/GM (PLG)/Land/400 dated the 23rd November, 2010]

A. REVENUE LAND:

Sl. No.	Name of village	Village Number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
01.	Tulsi	175	Surajpur	Surguja	354.000	Full
02.	Jagatpur	141	Surajpur	Surguja	190.000	Full
03.	Brij Nagar	298	Surajpur	Surguja	413.000	Full
04.	Gangapur	118	Surajpur	Surguja	298.000	Part
05.	Biharpur	284	Surajpur	Surguja	361.000	Full
06.	Gajhadhpur	104	Surajpur	Surguja	57.000	Part
07.	Anuj Nagar	11	Surajpur	Surguja	309.000	Part
08.	Haripur	419	Surajpur	Surguja	233.000	Full
09.	Pathakpur	240	Surajpur	Surguja	205.000	Part
10.	Sunderganj	405	Surajpur	Surguja	32.000	Part
11.	Latori	363	Surajpur	Surguja	84.000	Part
12.	Maheshpur	326	Surajpur	Surguja	240.000	Part
13.	Kasalgiri	52	Surajpur	Surguja	6.000	Part
14.	Judwani	150	Surajpur	Surguja	188.000	Part
15.	Karwaa	41	Surajpur	Surguja	433.000	Part
16.	Majira	313	Surajpur	Surguja	431.000	Part
17.	Pidia	249	Surajpur	Surguja	51.000	Part
18.	Mohanpur	333	Surajpur	Surguja	43.000	Part
19.	Songara	114	Pratappur	Surguja	81.000	Part
20.	Jhingadohar	33	Pratappur	Surguja	38.000	Part
21.	Shyam Nagar	97	Pratappur	Surguja	33.000	Part
22.	Sakalpur	102	Pratappur	Surguja	296.000	Part
23.	Dwarika Nagar	189	Surajpur	Surguja	39.000	Part

Total:- 4415.000 hectares (approximately) or 10909.46 acres (approximately)

B. FOREST LAND:

Sl. No.	Type of Forest	Range	Division	Area in hectares	Remarks
1	2	3	4	5	6
01.	Protected Forest	Surajpur	South Surguja	800.000	Part

Total:- 800.000 hectares (approximately) or 1976.80 acres (approximately)

Grant Total (A+B) = 5215.000 hectares (approximately) or 12886.26 acres (approximately)

Boundary Description of Latori and Tulsi Block:

- A-B Line starts from point 'A' on the western boundary of village Maheshpur and passes along partly western boundary of village Maheshpur and meets at point "B" on the common boundary of villages Shivsagar-Kasalgiri.
- B-C-D-E-F Line passes through village Kasalgiri, JUDWANI, Karwaa, point 'C', village Shyam Nagar, Sakalpur Jhingadohar, point 'D',village Songara, point 'E',village Tulsi, Mohanpur, Sunderganj and meets at Point "F" on the common boundary of villages Sunderganj- Pathakpur.
- F-G-H-I-J Line passes through village Pathakpur, Pidia, point 'G', 'H', village Majira, Dwarika Nagar, point 'I',

J-A village Latori, Anuj Nagar, Gajhadhpur, and meets at Point "J" in village Gajhadhpur.
Line passes through village Gajhadhpur, Karwaa, Maheshpur and meets at starting Point "A".

[F. No. 43015/30/2010-PRIW-I]
A. K. DAS, Under Secy.

नई दिल्ली, 23 फरवरी, 2012

का.आ. 750.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

उक्त अनुसूची में विहित भूमि के अंतर्गत आने वाले क्षेत्र के ब्यौरे रेखांक संख्या एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/407 तारीख 11 मई, 2011 का निरीक्षण कलेक्टर, शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कांउसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

उक्त अनुसूची में विहित भूमि में हितबद्ध कोई व्यक्ति-

- (i) संपूर्ण भूमि या उसके किसी भाग के अर्जन या ऐसी भूमि में या उस पर के किन्ही अधिकारों के प्रति आक्षेप कर सकेगा, या
- (ii) भूमि में उस पर किसी हित के प्रतिकर या ऐसी भूमि या उस पर किन्ही अधिकारों का दावा कर सकेगा; या
- (iii) प्रभावहीन हो गई पूर्वेक्षण अनुशासितयों, खनन पट्टों के अधीन अर्जित किये जाने पर अधिकारों के लिए प्रतिकर प्राप्त कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट भूमि के कोरों से संग्रहण या अन्य खनिज नमूनों तथा उनके सम्पर्क विश्लेषण को तथा किसी अन्य सुसंगत अधिलेख या सामग्रियों की निर्मित संबंधित सभी मानचित्र, चार्ट और अन्य दस्तावेज परिदृत कर सकेगा;

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

नवगांव यू/जी खदान

सोहागपुर क्षेत्र

जिला-शहडोल (मध्य प्रदेश)

में कोयले का पूर्वेक्षण के लिए प्रस्तावित भूमि का वर्णन

[रेखांक संख्या एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/407 तारीख 11 मई, 2011]

क्रम सं.	ग्राम का नाम	बन्दोबस्तु नम्बर	पटवारी हल्का नम्बर	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1	2	3	4	5	6	7	8
1.	खन्नाथ	171	99	सोहागपुर	शहडोल	22.895	भाग

कुल :- 22.895 हेक्टेयर (लगभग) या 56.57 एकड़ (लगभग)

नवगांव यू/जी खदान का सीमा वर्णन :

क-ख : रेखा ग्राम खन्नाथ-छिरीहीटी के सम्मिलित सीमा पर बिन्दु "क" बिन्दु से आरंभ होती है और ग्राम खन्नाथ से चलती हुई बिन्दु "ख" पर मिलती है।

ख-ग : रेखा ग्राम खन्नाथ के दक्षिणी भाग से चलती हुई ग्राम खन्नाथ में बिन्दु "ग" पर मिलती है।

ग-घ : रेखा ग्राम खन्नाथ के पूर्वी भाग से चलती हुई ग्राम खन्नाथ-छिरीहीटी के सम्मिलित सीमा पर बिन्दु "घ" पर मिलती है।
घ-क : रेखा ग्राम खन्नाथ-छिरीहीटी के भागः सम्मिलित सीमा से चलती हुई आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/09/2011-पी आर आई डब्ल्यू-I]

ए. के. दास, अवर सचिव

New Delhi, the 23rd February, 2012

S. O. 750.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality described in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/BSP/GM/ (PLG)/Land/407, dated the 11th May, 2011 containing details of the area of land described in the said Schedule may be inspected at the office of the Collector, Shahdol (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said schedule :

Any persons interested in the land described in the said Schedule may -

- (i) Object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act;

to the Officer-In-Charge or Head of the Department ((Revenue), South Eastern Coalfields Limited , Seepat Road, Bilaspur-495006 (Chhattisgarh) within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Brief description of the lands to prospect for coal in Navagaon U/G Mine, Sohagpur Area, District-Shahdol, Madhya Pradesh

[Plan bearing number SECL/BSP/GM (PLG)/Land/407 dated the 11th May, 2011]

SI. No.	Name of village	Bandobast Number	Patawari halka number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7	8
01.	Khannath	171	99	Sohagpur	Shahdol	22.895	Part
TOTAL : 22.895 hectares (approximately) or 56.57 acres (approximately)							

Boundary Description of Navagaon U/G Mine:

- A-B Line starts from point 'A' on the common boundary of villages Khannath-Chhirihiti and passes through village Khannath and meets at point 'B'.
- B-C Line passes through southern part of villages Khannath and meets at point 'C'
- C-D Line passes through eastern part of village Khannath and meets at point 'D' on the common boundary of villages Khannath-Chhirihiti
- D-A Line passes along partly common boundary of village Khannath-Chhirihiti and meets at starting point 'A'

[F. No. 43015/09/2011-PRIW-I]

A. K. DAS, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 फरवरी, 2012

का.आ. 751.—जबकि, पेट्रोलियम एवं खनिज पाइप लाईन (भूमि में उपयोगकर्ता के अधिकार का अधिग्रहण) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अन्तर्गत दिनांक 8-12-2010 के संख्या का.आ. 2465 (अ) के द्वारा पेट्रोलियम एवं प्राकृतिक गैस कैम्बे गल्फ दबका जीजीएस, जम्मूसर जीजीएस, जीएनएक्यू जीजीएस, नाडा ईपीएस तक पाइपलाइन से होकर अपारिष्कृत तेल के परिवहन के लिए एक पाइपलाइन ओ.एन.जी.सी. लिमिटेड की अंकलेश्वर परियोजना द्वारा बिछाई जानी है।

और जबकि उक्त अधिनियम की धारा 6 की उप-धारा (1) के अन्तर्गत सक्षम प्राधिकारी ने सरकार को रिपोर्ट प्रस्तुत की थी;

और जबकि इसके आगे केन्द्र सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना के साथ संलग्न अनुसूची में निर्दिष्ट भूमियों में उपयोगकर्ता के अधिकार के अधिग्रहण का निर्णय लिया है।

अब, अतः उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा यह घोषणा करती है कि इस अधिसूचना के साथ संलग्न अनुसूची में निर्दिष्ट उक्त भूमियों में उपयोगकर्ता के अधिकार को पाइपलाइनों को बिछाने के लिए आधिगृहीत कंर लिया गया है।

और केन्द्र सरकार, उक्त धारा की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों में उपयोगकर्ता का अधिकार, इस घोषणा के प्रकाशन की तिथि से केन्द्र सरकार में निहित होने के बजाए, ऑयल एण्ड नेचुरल गैस कॉरपोरेशन लिमिटेड में निहित होगा जोकि किसी भी ऋण भार से मुक्त होगा।

अनुसूची

प्रस्तावित इफ्लुएन्ट लाइन पादरा जीजीएस से गोल्फ कैम्बे होते हुए दबका जीजीएस, जंबुसर जीजीएस, जीएनएक्यू, नाडा ईपीएस

गांव का नाम	सर्वे संख्या	यदि कोई भाग हो	आसआगू शेज		
			हैक्टर	क्षेत्र	वर्ग मीटर
1	2	3	4	5	6
01. पादरा (कस्बा)		तहसील : पादरा		जिला : वडोदरा	
	953/1		00	13	27
	936/1		00	00	16
	936/2		00	04	76
	937/2		00	10	36
	935		00	04	20
	932		00	11	31
		गाडा मार्ग	00	00	84
	931/2		00	04	54
	931/1		00	01	19
	831		00	06	39
	832/2		00	08	67
		लुना पादरा रोड	00	02	66
	829/1		00	12	00
	829/2		00	00	25
	828पैकी		00	06	62
	827/पैकी/1		00	05	20
	753		00	06	50

1	2	3	4	5	6
02.	डभासा (जारी)	1203/बी		00	14
		1210		00	00
		1209/पैकी/1		00	10
		1204/पैकी/1		00	03
		1208/पैकी/1		00	11
		1207		00	14
			गाडा मार्ग	00	00
		1054		00	22
		1055		00	02
		1056		00	00
		1077/पैकी/1		00	43
		1082/पैकी/1		00	14
		1080/पैकी/1		00	60
		1081		00	18
		1083/पैकी/1		00	61
		1084		00	00
		1085/पैकी/1		00	17
		1088		00	05
		1089/पैकी/1		00	99
			गाडा मार्ग	00	08
		697		00	15
		696/पैकी/1		00	13
		708		00	00
		693		00	22
		709/पैकी/1		00	09
		685	सरदार सरोवर नर्मदा	00	37
			निगम लिमिटेड	00	02
		710/पैकी/1		00	06
		711/पैकी/1	सरदार सरोवर नर्मदा	00	75
			निगम लिमिटेड	00	00
		714/पैकी/1		00	20
		713/पैकी/1		00	54
			गाडा मार्ग	00	22
		640/अ/पैकी/1		00	06
		637	सरदार सरोवर नर्मदा	00	96
			निगम लिमिटेड	00	26
		638/पैकी/1		00	35
		636/पैकी/1		00	06
		635/पैकी/1		00	62
			गाडा मार्ग	00	01
		332/पैकी/1	सरदार सरोवर नर्मदा	00	87
			निगम लिमिटेड	00	21
		333		00	38
		335/पैकी/1		00	03
		349/पैकी/1		00	28
			गाडा मार्ग	00	07
			सरदार सरोवर नर्मदा	00	92
			निगम लिमिटेड	00	01
				00	28
				00	53
				00	30

	1	2	3	4	5	6
04.	महुवड	175	सरदार सरोवर नर्मदा निगम लिमिटेड गाडा मार्ग	00	01	68
		176	सरदार सरोवर नर्मदा निगम लिमिटेड गाडा मार्ग	00	18	97
		190/पैकी/1		00	01	00
		191/पैकी/1		00	13	15
		192	सरदार सरोवर नर्मदा निगम लिमिटेड	00	10	33
		195	सरदार सरोवर नर्मदा निगम लिमिटेड	00	06	93
		196	सरदार सरोवर नर्मदा निगम लिमिटेड	00	07	03
		198	सरदार सरोवर नर्मदा निगम लिमिटेड	00	05	09
		259	सरदार सरोवर नर्मदा निगम लिमिटेड	00	03	29
		261	सरदार सरोवर नर्मदा निगम लिमिटेड	00	15	30
		265	सरदार सरोवर नर्मदा निगम लिमिटेड	00	06	44
		266/अ		00	06	44
		266/ब	गाडा मार्ग	00	12	53
		275/पैकी/1		00	00	54
		276/पैकी/1		00	07	25
		277/पैकी/1		00	05	79
		278/पैकी/1		00	11	54
		284/अ		00	09	12
		285	सरदार सरोवर नर्मदा निगम लिमिटेड	00	01	86
					जिला : बडोदरा	
05.	भोज	तहसील : पादरा				
		356		00	00	07
		347		00	00	61
		345		00	02	35
		344		00	01	08
		343		00	01	51
		342		00	01	32
		341		00	01	32
		340		00	05	60
		339		00	04	12
		337		00	10	70
		329		00	01	05
		336		00	06	71

1	2	3	4	5	6
05.	भोज	335	00	05	92
		334	00	03	95
		333	00	00	57
		मार्ग	00	03	02
		321/अ	00	19	95
		322 सरदार सरोवर नर्मदा	00	04	43
		निगम लिमिटेड			
		307	00	11	18
		मार्ग	00	01	58
06.	धोबीकुआँ	तहसील : पादरा		जिला : बडोदरा	
		224/अ/पैकी/1	00	02	24
		223/पैकी/1	00	08	60
		217/पैकी/1	00	08	67
		भोज छोटी नहर	00	00	47
		216/पैकी/1	00	08	47
		218/पैकी/1	00	02	69
		219/पैकी/1	00	04	45
		220/पैकी/1	00	03	54
		207/पैकी/1	00	03	20
		206 सरदार सरोवर नर्मदा	00	00	22
		निगम लिमिटेड			
		208/पैकी/1	00	08	35
		188 सरदार सरोवर नर्मदा	00	09	16
		निगम लिमिटेड			
		192 सरदार सरोवर नर्मदा	00	00	49
		निगम लिमिटेड			
		191/पैकी/1	00	01	87
		190/पैकी/1	00	02	65
		189/पैकी/1	00	02	36
		177/पैकी/1	00	23	70
		गाडा मार्ग	00	01	34
		123 सरदार सरोवर नर्मदा	00	08	64
		निगम लिमिटेड			
		गाडा मार्ग	00	02	08
		126/पैकी/1	00	19	13
		128/पैकी/1	00	33	40
		143/पैकी/1	00	10	.55
		146/अ	00	04	67
		144/1	00	22	55
07.	बडु	तहसील : पादरा		जिला : बडोदरा	
		232 सरकारी	00	07	38
		235/पैकी/1	00	13	18
		231/अ/पैकी/1	00	00	88

1	2	3	4	5	6
	282/पैकी/2	सरदार सरोवर नर्मदा	00	32	18
	283/पैकी/3	निगम लिमिटेड			
		मार्ग	00	03	45
		छोटी नहर	00	00	09
	282/पैकी/2	सरदार सरोवर नर्मदा	00	19	88
		निगम लिमिटेड			
	283/पैकी/1		00	15	92
	285/पैकी/1		00	04	01
	284		00	05	45
		गाडा मार्ग	00	03	65
	337/पैकी/1		00	11	26
	336	सरदार सरोवर नर्मदा	00	15	11
		निगम लिमिटेड			
	335/पैकी/1		00	12	57
	397/पैकी/1		00	09	77
	398/पैकी/1		00	11	96
	399/पैकी/1		00	03	78
	400	सरकारी	00	05	22
		रास्ता	00	02	63
	460		00	03	09
		बड़ु छोटी नहर	00	00	23
	471		00	10	67
	470	सरदार सरोवर नर्मदा	00	12	96
		निगम लिमिटेड			
	461/पैकी/1		00	05	67
	468/पैकी/1		00	07	14
		गाडा मार्ग	00	00	78
	466/पैकी/1		00	26	62
		गाडा मार्ग	00	02	15
	542/पैकी/1		00	20	89
		गाडा मार्ग	00	00	64
	545		00	12	07
	546/पैकी/1		00	17	49
	547/पैकी/1		00	01	82
	548/पैकी/1		00	04	67
	549/पैकी/1		00	05.	58
	550		00	06	16
	552		00	05	56
	556		00	15	92
	557		00	17	14
		गाडा मार्ग	00	01	96
	558		00	01	62
	604		00	05	97
	587/पैकी		00	16	92
	588		00	03	93
	590		00	15	02
	586		00	01	50

1	2	3	4	5	6
08.	विश्रामपुरा	तहसील : पादरा		जिला : बडोदरा	
	308/पैकी/1		00	24	17
	309	सरदार सरोवर नर्मदा निगम लिमिटेड	00	10	08
		प्रोवल शाखा नहर-1 राष्ट्रीय मार्ग-6	00	00	44
	314		00	01	52
	315		00	22	90
	316		00	05	98
	317		00	01	48
	318		00	01	82
	319		00	01	39
	320/पैकी/1		00	02	05
	324/पैकी/1		00	06	57
	332/पैकी/1		00	00	22
	322/पैकी/1		00	09	78
	326		00	08	83
		रास्ता	00	00	87
	272/पैकी/1		00	23	85
	263/पैकी/1		00	14	09
	242	सरदार सरोवर नर्मदा निगम लिमिटेड	00	06	14
	245/पैकी/1		00	14	42
	246/पैकी/1		00	00	39
		सरदार सरोवर नर्मदा निगम लिमिटेड	00	08	59
	244		00	04	16
	31	सरकारी डब्ल्यू बी एम रोड	00	00	81
	33/पैकी/1		00	09	47
	32		00	00	03
	35	सरदार सरोवर नर्मदा निगम लिमिटेड	00	02	09
	36		00	09	95
	37/पैकी/1	सरदार सरोवर नर्मदा निगम लिमिटेड	00	11	14
		नहर	00	00	65
	41	सरदार सरोवर नर्मदा निगम लिमिटेड	00	06	27
	375/पैकी/2	सरदार सरोवर नर्मदा निगम लिमिटेड	00	04	38
		रास्ता	00	00	73
	12	सरदार सरोवर नर्मदा निगम लिमिटेड	00	10	22
	52/पैकी/1		00	08	76
	56	सरदार सरोवर नर्मदा निगम लिमिटेड	00	00	86
	53/पैकी/1		00	17	41

1	2	3	4	5	6
09.	मुवाल	तहसील : पादरा		जिला : वडोदरा	
	538/अ		00	10	57
	537/अ		00	05	16
	537/ब		00	05	16
	536/पैकी/1		00	15	05
	535		00	00	03
		रोड	00	01	19
10.	सांढा	तहसील : पादरा		जिला : वडोदरा	
	116/पैकी/1.		00	13	18
	125/पैकी/1		00	19	36
	127/पैकी/1		00	10	06
	128/पैकी/1		00	12	86
		गाडा मार्ग	00	00	67
	148/पैकी/1		00	06	92
	149		00	05	23
	151		00	06	29
	152		00	06	60
	153/पैकी/1		00	12	07
	154/पैकी/1		00	02	22
11.	लोला	तहसील : पादरा		जिला : वडोदरा	
	215/पैकी/1		00	08	19
	216		00	04	69
	254		00	03	64
	214/पैकी/1		00	12	73
	205/पैकी/1		00	12	62
		गाडा मार्ग	00	01	15
	206		00	04	22
		गाडा मार्ग	00	00	91
	183/पैकी/1		00	12	28
	185/पैकी/1		00	07	26
	182	सरकारी	00	07	26
	186/पैकी/1		00	04	03
		गाडा मार्ग	00	01	02
	176/पैकी/1		00	09	66
	175		00	02	16
	174/पैकी/1		00	15	97
	139		00	06	81
	138		00	00	03
	140/पैकी/1		00	07	04
	137.		00	08	04
		गाडा मार्ग	00	00	82
	102/पैकी/1		00	14	05
	103/पैकी/1		00	04	30
	104	लोला गाँव पंचायत	00	00	12
	98		00	14	07
	99	लोला गाँव पंचायत	00	13	85

1	2	3	4	5	6
12.	चित्राल	तहसील : पादरा		जिला : वडोदरा	
	15/पैकी/1	गाडा मार्ग	00	00	32
	17		00	01	10
	53/पैकी/1		00	11	95
	52/पैकी/1		00	07	88
	48		00	10	94
	51/पैकी/1		00	03	44
	50	सरदार सरोवर नर्मदा निगम लिमिटेड	00	04	00
			00	05	29
	49/पैकी/1		00	16	14
	45	गाडा मार्ग	00	09	38
	82/पैकी/1		00	01	57
		सरदार सरोवर नर्मदा निगम लिमिटेड	00	27	16
	81		00	01	90
	85		00	08	99
	86	सरकारी	00	14	49
	87/पैकी/1		00	01	20
		गाडा मार्ग	00	01	35
13.	गवासद	तहसील : पादरा		जिला : वडोदरा	
	347/पैकी/1		00	09	11
		गवासद डीस्टीबुयरी	00	01	89
	301/अ	सरदार सरोवर नर्मदा निगम लिमिटेड	00	12	58
	300/पैकी/1		00	16	31
	299/पैकी/1		00	11	73
	303		00	05	77
	304		00	05	03
	307		00	03	89
	305		00	05	53
	306		00	09	92
	310/स	सरदार सरोवर नर्मदा निगम लिमिटेड	00	13	74
		गाडा मार्ग	00	02	28
	262		00	09	26
	260		00	09	22
	259		00	25	01
	258		00	10	77
	254		00	04	85
		रास्ता	00	00	42
	255		00	10	55
	251		00	08	56
		गाडा मार्ग	00	05	89
	151	गाडा मार्ग	00	14	81
		गाडा मार्ग	00	01	66
	152		00	00	38
	153		00	22	64

1	2	3	4	5	6
गवासद	154		00	03	55
	155		00	07	12
	156		00	10	64
	157		00	01	08
	1089		00	12	13
	161/पैकी/1		00	11	74
	161/पैकी/2		00	11	74
	162		00	00	27
	171		00	17	41
	123/पैकी/1		00	07	40
	डी/एस #28		00	02	15
	172/पैकी/1		00	00	98
	118		00	13	05
	116		00	00	38
	115		00	11	16
	114		00	00	59
13. (A)	गवासद	तहसील : पादरा		जिला : वडोदरा	
	दबका जीजीएस		00	01	14
	145		00	09	37
	143		00	03	79
	142		00	05	23
	153		00	15	26
14.	गामेठा	तहसील : पादरा		जिला : वडोदरा	
	गाडा मार्ग		00	00	51
	228		00	00	86
	227/A		00	01	03
	226		00	00	32
	229		00	07	46
	233		00	03	71
	रास्ता		00	00	58
	234	सरकारी	00	03	86
	222		00	04	19
	अभोर शाखा नहर		00	00	55
	221/पैकी/1		00	04	65
	235/पैकी/1		00	14	81
	216		00	03	41
	रास्ता		00	01	47
	215		00	04	64
	214		00	00	67
	गाडा मार्ग		00	04	02
	299		00	01	72
	300		00	14	59
	301		00	13	15
	308		00	03	91
	309		00	12	27
	320		00	13	91
	321		00	02	87
	322		00	10	28
	324		00	06	33
	328		00	01	15
	327		00	01	86

1	2	3	4	5	6
	गामेठा	गाडा मार्ग	00	01	51
	400		00	08	52
	399		00	01	76
	409		00	00	04
	397		00	12	21
		गाडा मार्ग	00	00	69
	411		00	07	15
	396		00	10	35
	416		00	14	31
	417/ब		00	07	40
		रास्ता	00	03	55
		नाला	00	01	33
15.	मासर	तहसील : पादरा		जिला : बडोदरा	
	81		- 00	05	21
	80		00	02	71
	78		00	33	63
	91		00	15	75
	90		00	16	93
	96		00	00	03
	95		00	27	87
	112		00	33	79
	121		00	15	70
	122		00	10	44
	127		00	08	45
	126		00	13	67
	130		00	11	61
	129/पैकी/1		00	15	28
		डब्ल्यूबीएम रोड	00	00	91
	132		00	16	15
	18		00	03	46
		गाडा मार्ग	00	01	75
	135		00	12	02
	136		00	05	40
	138		00	12	91
		गाडा मार्ग	00	02	90
	260	सरदार सरोवर नर्मदा	00	08	70
		निगम लिमिटेड			
	263	सरदार सरोवर नर्मदा	00	14	06
	261	निगम लिमिटेड	00	09	00
	262/अ		00	06	65
	262/ब		00	10	87
		मासर शाखा नहर	00	00	74
	287		00	07	18
	286/ब		00	15	14
		गाडा मार्ग	00	01	52
	335	गौचरण सरकारी, पादरा	00	00	06
	338		00	37	51
	337		00	04	14
		गाडा मार्ग	00	02	88
	550		00	00	82

1	2	3	4	5	6
मासर	555		00	12	67
	554		00	10	00
	562		00	10	50
	564		00	04	39
561	सरदार सरोवर नर्मदा निगम लिमिटेड		00	12	36
	565		00	14	81
		गाडा मार्ग	00	01	25
	685		00	07	77
	686		00	09	81
	684		00	05	23
	689		00	08	28
	682		00	13	26
	692		00	10	75
693	सरकारी		00	00	45
691			00	11	66
695			00	20	00
696			00	07	62
	गाडा मार्ग		00	03	51
786			00	11	44
784			00	07	50
785			00	12	07
781			00	22	13
863			00	05	16
	गाडा मार्ग		00	02	52
847			00	16	10
862			00	08	14
860			00	00	01
855			00	22	32
854			00	02	56
858			00	07	05
	गाडा मार्ग		00	02	43
893			00	06	38
894			00	01	15
897			00	07	31
	कणजट नहर		00	04	26
	रास्ता		00	01	43
896			00	00	50
898			00	10	36
899/पैकी/2			00	08	23
900			00	09	92
902			00	09	18
914			00	10	19
915			00	10	93
929			00	02	24
917			00	07	52
918			00	08	20
919			00	07	63
920			00	13	33
921			00	03	10
922			00	00	65

1	2	3	4	5	6
16.	गजेरा	तहसील : जंबुसर		जिला : भरुच	
	1402		00	03	97
	1398		00	10	27
	1401		00	03	37
	1400		00	06	18
	1399		00	03	26
	1403/अ		00	06	16
	डी/एस ओएनजीसी		00	02	65
	1391		00	06	05
	1404		00	00	07
	1390		00	11	76
		पक्का रस्ता	00	00	69
	1389		00	03	34
	1407		00	01	03
	1388		00	09	25
	1409		00	01	97
	1411		00	10	51
	1412		00	07	57
	1413		00	01	13
	1384		00	09	12
	1382		00	03	30
	1383		00	10	56
	1344		00	01	84
	1381		00	05	17
	1345		00	00	80
	1380		00	03	11
	1379		00	00	27
	1340		00	09	96
	1348		00	07	56
	1349		00	07	74
		गाडा मार्ग	00	02	49
	1350		00	10	60
	1351		00	05	41
		गाडा मार्ग	00	03	96
	1304		00	03	13
	1303		00	00	97
	1305		00	09	65
	1297		00	09	55
	1295		00	13	74
	1294	गौचरण ग्राम	00	05	64
		पंचायत, गजेरा			
	1249		00	01	53
		रास्ता	00	00	59
		रास्ता	00	01	26
	1292		00	02	30
	1252		00	03	45
	1270		00	00	28
	1254		00	08	25
	1269	गौचरण ग्राम पंचायत गजेरा	00	09	34
		शाखा नहर 3/1	00	00	54
	1268		00	16	04

1	2	3	4	5	6
	गजेरा	1267		00	00 03
		1266		00	16 70
			नाला	00	02 42
		1160		00	15 30
		1163/अ		00	22 17
		1173		00	07 69
		1169		00	07 30
		1170		00	08 75
		1168		00	04 86
			गाडा मार्ग	00	01 90
		1177		00	02 95
			गाडा मार्ग	00	01 85
		972		00	11 09
		960		00	04 77
		961		00	26 33
		962		00	15 53
		963		00	13 81
		964		00	07 08
		965		00	06 31
			गाडा मार्ग	00	02 14
		864		00	13 22
		852		00	05 94
		851		00	05 03
			शाखा नहर 3/1	00	02 28
		866		00	01 97
		868		00	11 92
		869		00	04 71
		870		00	09 58
		871/अ		00	12 14
			बावली शाखा नहर	00	00 58
		872/अ		00	08 42
17.	डाभा		तहसील : जंबुसर		जिला : भरुच
		997		00	32 99
			शाखा नहर 2/1	00	00 45
		1003		00	17 63
		1005		00	26 28
			शाखा नहर	00	00 60
		1009		00	13 51
		1008		00	04 88
			गाडा मार्ग	00	01 39
		1029		00	12 26
		1030		00	07 73
			शाखा नहर 4/1	00	00 46
		1036		00	09 86
		1035		00	10 78
		1045		00	25 37
		1047		00	00 34
			गाडा मार्ग	00	02 85
		1052		00	17 31
		1051		00	18 19

1	2	3	4	5	6
डामा	1050/पैकी/1		00	16	53
	1150/पैकी/1		00	08	96
		डामा शाखा नहर-1	00	03	00
	1153		00	09	09
	1160		00	09	60
	1172		00	26	21
	1173		00	01	68
		गाडा मार्ग	00	02	22
	834		00	08	06
	833/पैकी/1		00	23	83
	833/पैकी/2		00	22	55
	821		00	16	40
	829		00	15	55
	828		00	07	58
	827		00	06	98
	826		00	07	18
	652		00	15	98
	647		00	03	99
	653		00	17	81
		गाडा मार्ग	00	02	23
	633/पैकी/2		00	18	34
	670/पैकी/2		00	18	19
		ओएनजीसी रोड	00	01	52
	625		00	12	22
	624		00	10	55
	623		00	24	11
		गाडा मार्ग	00	01	30
	571		00	08	49
	570		00	08	68
	569		00	04	79
		गाडा मार्ग	00	01	34
	475		00	05	04
	477		00	06	11
	478		00	07	30
	479		00	07	13
	483/ब		00	31	84
	484		00	12	98
	490/अ		00	09	32
		रास्ता	00	06	50
		जंबुसर शाखा नहर	00	01	09
	493/पैकी/1		00	29	33
	494		00	01	25
		गाडा मार्ग	00	06	73
	408		00	06	08
	410		00	07	99
	411		00	07	80
	407		00	13	96
	399		00	00	90
	398		00	18	22
	397		00	12	55

1	2	3	4	5	6
	395	गौचरण ग्राम पंचायत डाभा	00	08	17
	396	गौचरण ग्राम पंचायत डाभा	00	12	20
17. (A)	डाभा	तहसील : जंबुसर		जिला : भरुच	
		जंबुसर जीजीएस	00	04	36
		गाडा मार्ग	00	04	20
	493/पैकी/1		00	08	42
18.	उमरा	तहसील : जंबुसर		जिला : भरुच	
	370		00	00	19
		नाला	00	03	23
	371		00	11	54
	372		00	14	94
	373		00	06	83
	374		00	09	96
	379		00	02	58
	380	सरकारी	00	07	52
	383		00	26	43
	384/पैकी/1		00	14	19
	395/पैकी/1		00	31	00
	397		00	02	31
	396	तालाब	00	02	73
		गाडा मार्ग	00	01	14
	408/पैकी/1		00	21	89
	409		00	14	82
	411		00	31	73
	414		00	11	46
	422		00	14	85
	421		00	00	23
	420		00	19	59
		झेन	00	04	20
		रास्ता	00	05	90
	11		00	09	80
	13		00	13	71
	14/अ		00	03	45
	15		00	19	68
	16		00	07	80
19.	जंबुसर	तहसील : जंबुसर		जिला : भरुच	
	175		00	05	53
	176		00	12	86
	187+188		00	02	42
	186		00	17	68
	213		00	08	22
	214		00	07	31
	240		00	05	86
	239		00	06	99
	238		00	13	27
	237		00	06	67
		गाडा मार्ग	00	02	30
	221		00	00	03

1	2	3	4	5	6	
19.	जंबुसर	235	00	10	00	
		233	00	12	67	
		232/1+2	00	10	70	
		230	00	13	69	
		250+252	00	01	10	
		279/1/अ	00	04	96	
		गाडा मार्ग	00	02	27	
		229	00	11	68	
		गाडा मार्ग	00	00	46	
		407	00	19	73	
		406/पैकी/1	00	00	49	
		405	00	11	73	
		403	00	07	64	
		402	00	12	94	
		कोटेमर शाखा नहर	00	00	60	
		गाडा मार्ग	00	03	34	
		418	00	20	74	
		419	00	09	28	
		रास्ता	00	04	16	
		छोटी नहर	00	01	06	
		509	00	09	83	
		512	00	12	74	
		513	00	09	06	
		526	00	06	24	
		515	00	06	98	
		525	00	07	12	
		एन.जी. रेलवे	00	05	99	
		छोटी नहर	00	00	25	
		छोटी नहर	00	00	06	
		524	00	05	16	
		523	00	00	06	
		517	00	17	34	
		520	00	01	98	
		519	00	06	08	
		गादोई खाडी	00	08	45	
		850	00	08	74	
		पक्का रास्ता	00	05	59	
		835	00	02	29	
		833/पैकी/1	00	00	56	
		834/पैकी/2	00	14	13	
		823	00	40	30	
		820	00	00	89	
		821	00	10	41	
		822	00	10	48	
		817	00	10	54	
		रास्ता	00	04	13	
		816/पैकी/2	जंबुसर पीडब्ल्यूडी भूमि	00	01	72
		1058	00	20	91	
		1057	00	11	63	
		1060	सरकारी	00	09	96

1	2	3	4	5	6
	जंबुसर	1061	00	08	91
		1062	00	06	48
		गाडा मार्ग	00	03	28
		1102	00	09	95
		1099	00	21	89
		1097	00	02	44
		1098	सरकारी	00	11
		1095/1		00	75
		1095/2		00	95
		1120		00	09
		1121		00	44
		1122		00	32
		1123		00	01
		1125	सरकारी	00	48
		1124		00	18
		1139		00	45
		1140	छोटी नहर	00	00
		1138		00	69
		1137		00	15
		1136/अ		00	03
		1174		00	93
		1173		00	58
		1176/अ	जंबुसर शाखा नहर	00	42
		1177/अ	कलक शाखा नहर	00	27
20.	लीमज		तहसील : जंबुसर	जिला : भरुच	
		224		00	30
		126/पैकी/2		11	27
		123		12	22
		122/पैकी/1		12	25
		121/1/अ/पैकी/1	कावा शाखा नहर-2	08	28
			गाडा मार्ग	00	80
		129		00	12
		165		03	01
		164		04	86
		161		07	74
		154		10	19
		155		06	54
		159		00	06
		158		08	17
		157		00	57
				11	88
				00	32
21.	कलक		तहसील : जंबुसर	जिला : भरुच	
		838/ब		00	09
		844		00	18
		843		08	89
		842		09	06
		841		11	01
		848	गाडा मार्ग	02	11
				04	30

1	2	3	4	5	6
कलक	798		00	01	97
799/पैकी/1			00	08	76
799/पैकी/2			00	16	34
		चासेटा शाढ़ा नहर	00	01	93
766/अ/1			02	21	60
		गाड़ा भार्ग	00	02	60
737			00	10	39
		रास्ता	00	04	17
725			00	03	78
721/अ			00	48	91
724			00	04	51
728			00	09	97
22.	वांसेटा	तहसील : जंबुसर		जिला : भरत	
86/पैकी/1			00	24	24
86/पैकी/2			00	09	95
37			00	28	69
40			00	10	28
42			00	05	94
43			00	03	86
44			00	02	74
		भाला	00	01	14
16			00	10	18
11			00	09	42
10			00	00	11
12			00	06	30
		गाड़ा भार्ग	00	01	66
8			00	37	93
9		सरकारी गौचरण	00	00	53
1		सरकारी खाड़ी	00	00	43
5			00	09	22
3			00	13	33
2		सरकारी गौचरण	00	01	66
		रास्ता	00	03	83
296/अ			00	27	30
297			00	12	77
		छोटी पहर	00	01	80
299			00	11	92
300			00	10	13
		भाला	00	01	33
290/पैकी/1			00	26	47
274			00	27	25
289			00	12	85
		रास्ता एवं देन	00	06	04
287			00	19	09
		रास्ता	00	01	47
286		सरकारी गौचरण	00	95	50

1	2	3	4	5	6
23.	डोलिया	तहसील : जंबुसर		जिला : भरुच	
	393	खराबो, ग्राम पंचायत डोलिया	00	45	26
	392	खराबो, ग्राम पंचायत डोलिया	00	47	08
	394/अ	खराबो, ग्राम पंचायत डोलिया	00	65	72
		रास्ता	00	02	80
	377		00	04	40
	376	सरकारी गौचरण ग्राम पंचायत डोलिया	00	00	09
	375		00	17	36
	378		00	03	96
	379		00	00	01
	374		00	11	35
	373	सरकारी गाडा मार्ग	00	08	73
	253		00	10	25
	254		00	02	91
	252		00	06	78
	185		00	00	44
	187		00	03	30
	250	सरकारी	00	03	53
	188		00	08	37
	242		00	20	87
	236		00	09	29
	237		00	25	79
	230		00	11	56
	231		00	04	80
	220		00	46	11
	216		00	12	33
	218		00	08	77
24.	टंकारी बंदर	तहसील : जंबुसर		जिला : भरुच	
	1963		00	07	84
	1961		00	06	70
	1964		00	07	44
	1960		00	07	97
	1949		00	19	67
	1959		00	00	54
	1950		00	28	22
	1944		00	00	58
	1935		00	00	42
	1936		00	03	73
	1943		00	04	93
	1942		00	11	40
	1945		00	13	57
	1941/अ		00	00	05
	1940		00	15	00
	2011		00	20	13

1	2	3	4	5	6
24.	टंकारी बंदर	2123	00	07	44
		2122	गौचरण	00	07
		2121		22	76
		2140		19	63
		2141		09	69
		2142		01	48
		2148/अ		26	93
		2143		12	16
		2144		07	34
		2145		10	99
		2147/अ		19	44
		2158		12	51
		2159		16	07
		2164		23	66
		2162		23	32
		2168		15	77
		2181		14	75
		2180		19	27
		2178		08	64
		2177		02	53
		नाला एवं गाडा मार्ग		00	09
		1506/पैकी/1		03	73
		1586		09	96
		575		06	02
		1760		04	24
		1796		01	99
		1795		00	18
		672/ब		36	19
		2335		12	05
		2336		04	48
		391	गौचरण	01	09
			रास्ता	10	79
		55		08	76
		56		13	18
		54		07	65
		35		04	14
		36		09	75
		38/अ		07	13
		39		07	24
		40		11	32
		43		00	06
		गाडा मार्ग		03	06
		454		01	56
		450		27	71
		डब्ल्यूबीएम रोड		00	07
		461		02	27
		449	गौचरण	03	12
		462		08	86
		463		04	76
		464		04	40
		गाडा मार्ग		05	83

1	2	3	4	5	6
27.	आसरसा (जारी)	724	सरकारी पड़तरे	00	17
			गाडा मार्ग	00	51
		566		02	62
				10	86
			रास्ता एवं इन	03	51
		561		16	39
		562		07	28
		560		08	57
			गाडा मार्ग	01	03
		497		06	39
		499		11	17
		498	सरकारी पड़तर	17	47
		509		08	12
		512		04	96
		513		10	12
		517		07	00
		518	सरकारी पड़तर	07	46
		523		02	86
		522/अ		02	78
		522/ब		02	84
		524	सरकारी पड़तर	01	69
		525		01	41
			गाडा मार्ग	03	01
		409		23	63
		410		09	15
		411	सरकारी पड़तर	01	57
		412		02	34
		413		01	58
		414		05	80
		415		11	81
		349		27	04
		353		37	97
28.	नाडा		तहसील : जंबुसर		जिला : भरुच
		956	सरकारी	15	86
		968		12	45
		967		08	20
		966		02	80
		965		03	42
		948	सरकारी	13	33
		1027		00	09
		1028		07	01
		1029		00	03
		1030		05	65
		1103		14	90
		1104		02	45
		1123		00	03
		1105		01	76
		1106		06	17
		1107		04	69
		1097		06	48
		1096		04	17

1	2	3	4	5	6
28.	नाडा (जारी)	1109	00	10	00
		1118	00	02	44
		1114	00	01	58
		1113	00	06	28
		1172	00	12	22
		1173	00	06	23
		1174	00	03	57
		1175	00	07	81
		1088 गौचरण ग्राम पंचायत नाडा	00	05	47
		गाडा मार्ग	00	00	51
		1242 ओएनजीसी रोड	00	05	61
		1221	00	14	57
		1240	00	04	12
		1237	00	03	49
		1222	00	24	03
		1232	00	15	66
		1231 सरकारी पडतर ग्राम	00	07	53
		पंचायत नाडा			
		1456	00	01	82
		1454/अ	00	00	31
		1229	00	08	63
		1463	00	05	04
		1450	00	21	24
		1519	00	04	08
		1520/अ	00	14	65
		1523	00	02	56
		1526	00	02	26
		1527	00	02	03
		रास्ता एवं डेन	00	03	39
		1529	00	00	87
		1530	00	18	49
		1558	00	26	86
		1557	00	11	97
		1551	00	12	39
		1640/पैकी/1 सरकारी खार खराबो	06	08	46
		रास्ता गौचरण	00	03	18
		1684 गौचरण ग्राम पंचायत नाडा	00	08	97
		रास्ता	00	02	30
		1655	00	11	45
		1653	00	01	84
		1652 सरकारी पडतर ग्राम	00	21	13
		पंचायत नाडा			
		सरकारी पडतर ग्राम			
		1651 पंचायत नाडा	00	01	36
		1645 सरकारी पथर ग्राम	00	15	22
		पंचायत नाडा			
		1650 तालाब गाँव	00	10	02
		पंचायत नाडा			

1	2	3	4	5	6
28.	नाडा (जारी)	रास्ता सरकारी खार नो खराबो	00 00	01 08	07 24
		रास्ता	00	04	81
		खाड़ी	00	07	34
		कैम्बे गत्क	06	94	68
28.(A)	नाडा	तहसील : जंबुसर		जिला : भरुच	
	नाडा जीजीएस		00	04	12
	1468		00	03	12
	1467		00	02	15
	1466		00	02	02
	1465		00	02	55
	1464		00	08	30
	1463		00	03	23

[फ. सं. ओ-36011/14/2010-ओ.एन.जी.-II]

आर. एस. सिकदर, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th February, 2012

S.O. 751.—Whereas by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2465 dated 8-12-2010 under sub-section (1) of Section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying PADRA GGS TO GULF OF CAMBAY VIA DABKAGGS. JAMBUSAR GGS. GNAQ GGS, NADA EPS OF ANKLESHWAR ASSET.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the Right of User in the lands specified in the Schedule appended to this Notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declared that the Right of User in the said lands specified in the Schedule appended to this Notification hereby acquired for laying the pipelines.

And further in exercise of power conferred by sub-section (4) of the Section, the Central Government directs that the Right of User in the lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Corporation Limited free from all encumbrances.

SCHEDULE

Proposed Effluent Line from Padra GGS to Gulf of Cambay VIA DABKA GGS, Jambusar GGS, GNAQ GGS, NADA EPS

Name of Village	Survey No.	Party if any	ROU Area		
			Hq.	Area	Sq. Mtr.
1	2	3	4	5	6
01 PADRA(KASBA)		TA. : PADRA		DIST.: VADODARA	
	953/1		00	13	27
	93611		00	00	16
	936/2		00	04	76

1	2	3	4	5	6
PADRA(KASBA)	937/2		00	10	36
	935		00	04	20
	932		00	11	31
		Cart Track	00	00	84
	931/2		00	04	54
	931/1		00	01	19
	831		00	06	39
	832/2		00	08	57
		Luna Padra Road	00	02	66
	829/1		00	12	00
	829/2		00	00	25
	828		00	06	62
	827/P/1		00	05	20
	753		00	06	90
	753/1		00	06	43
		Cart Track	00	00	53
	751/1		00	13	75
		Cart Track	00	00	81
	749		00	06	32
		Cart Track	00	00	63
	757/3		00	08	21
		Cart Track	00	00	40
	737		00	05	50
	736		00	12	98
	728		00	04	74
	729		00	18	27
	730		00	05	55
	726		00	03	43
	731		00	12	43
		Cart Track	00	00	85
	724/1		00	07	24
	724/2		00	07	25
	713/1		00	01	00
	713/2		00	10	08
	714		00	17	19
		Cart Track	00	00	39
	708		00	15	77
	707		00	12	38
	691/P		00	18	01
		Nala	00	00	83
		Road	00	02	10
2.	DABHASA	TA.: PADRA		DIST.: VADODARA	
	1415		00	10	78
	1413		00	16	09
	1424		00	26	17
		Cart Track	00	00	55
	1430	Govt.	00	03	20
	1431/P/1		00	03	48
	1429/P/1		00	07	96
	1427/P/1		00	09	33
		SH-6 Road	00	01	56
	1166/P/1		00	03	79
	1167/P/1		00	08	20
		Cart Track	00	00	59

1	2	3	4	5	6
DABHASA	1183/P/1		00	07	50
	1182/P/1		00	08	61
1184	Sardar Sarovar Narmada Nigam Ltd;		00	15	47
1181			00	00	21
1180/P/1			00	02	92
1188/P/1			00	01	63
1202/P/1			00	02	93
1203/B			00	14	37
1210			00	00	14
1209/P/1			00	10	90
1204/P/1			00	03	81
1208/P/1			00	11	89
1207			00	14	89
	Cart Track		00	00	72
1054			00	00	62
1055			00	11	60
1056			00	01	43
1077/P/1			00	14	60
1082/P/1			00	18	61
1080/P/1			00	00	17
1081			00	05	99
1083/P/1			00	08	15
1084			00	00	13
1085/P/1			00	15	43
1088			00	00	48
1089/P/1			00	10	42
	Cart Track		00	01	30
697			00	06	34
696/P/1			00	13	82
708			00	01	10
693			00	02	.99
709/P/1			00	09	37
685	Sardar Sarovar Narmada Nigam Ltd.		00	02	06
710/P/1			00	06	75
711/P/1	Sardar Sarovar Narmada Nigam Ltd.		00	00	20
714/P/1			00	06	54
713/P/1			00	06	22
	Cart Track		00	00	96
640/A/P/1			00	26	35
637	Sardar Sarovar Narmada Nigam Ltd.		00	06	62
638/P/1			00	01	87
636/P/1			00	21	38
635/P/1			00	03	89
	Cart Track		00	01	28
332/P/1	Sardar Sarovar Narmada Nigam Ltd.		00	07	92
333			00	07	15
335/P/1			00	11	53
349/P/1			00	14	30

1	2	3	4	5	6	
DABHASA	348/P/1		00	05	36	
	347/P/1		00	11	67	
	342/P/1	Sardar Sarovar Narmada Nigam Ltd.	00	16	61	
	337	Sardar Sarovar Narmada Nigam Ltd.	00	00	25	
	341/P/1		00	11	25	
	340		00	00	05	
	379/P/1		00	05	88	
	378/P/1		00	08	06	
	377/P	Sardar Sarovar Narmada Nigam Ltd.	00	04	42	
	382/P/1		00	06	45	
	383/P/1		00	07	63	
	411	Sardar Sarovar Narmada Nigam Ltd.	00	18	10	
		Cart Track	00	00	01	
	410		00	04	22	
		Cart Track	00	01	52	
	496/A		00	12	54	
	497/P/1		00	14	31	
	498		00	03	04	
		Cart Track	00	01	23	
	495/B/P/1		00	12	91	
	501/P/1		00	25	17	
	520		00	00	42	
	503	Sardar Sarovar Narmada Nigam Ltd.	00	15	73	
	518		00	06	14	
	514		00	14	71	
	515		00	00	10	
	513/P/1		00	17	52	
	512/P/1	Sardar Sarovar Narmada Nigam Ltd.	00	23	59	
		Ranu Distributary	00	00	36	
	511/P/1		00	12	02	
	510	Sardar Sarovar Narmada Nigam Ltd.	00	00	66	
		Road	00	02	72	
03.	RANU	TA.: PADRA		DIST.: VADODARA		
		135	00	12	33	
			00	25	90	
		107	00	02	48	
04.	MAHWAD	TA.: PADRA		DIST.: VADODARA		
		713/B	00	00	54	
		174/A	00	02	59	
			Sardar Sarovar			
		175	Narmada Nigam Ltd..	00	01	68
			Cart Track	00	01	18
		176	Sardar Sarovar Narmada Nigam Ltd.	00	18	97
			Cart Track	00	01	00
		190/P/1		00	13	15

1	2	3	4	5	6	
	191/P/1		00	10	33	
	192	Sardar Sarovar Narmada Nigam Ltd.	00	06	93	
	195	Sardar Sarovar Narmada Nigam Ltd.	00	07	03	
	196	Sardar Sarovar Narmada Nigam Ltd.	00	05	09	
		Sardar Sarovar				
	198	Narmada Nigam Ltd.	00	02	79	
	259	Sardar Sarovar Narmada Nigam Ltd.	00	03	29	
	261	Sardar Sarovar Narmada Nigam Ltd.	00	15	30	
	265	Sardar Sarovar Narmada Nigam Ltd.	00	06	44	
	266/A		00	06	44	
	266/8		00	12	53	
		Cart Track	00	00	54	
	275/P/1		00	07	25	
	276/P/1		00	05	79	
	277/P/1		00	11	54	
	278/P/1		00	09	12	
	284/A		00	01	86	
		Sardar Sarovar				
	285	Narmada Nigam Ltd.	00	01	26	
05.	BHOJ	TA.: PADRA		DIST. : VADODARA		
		356	00	00	07	
		347	00	00	61	
		345	00	02	35	
		344	00	01	08	
		343	00	01	51	
		342	00	01	32	
		341	00	01	32	
		340	00	05	60	
		339	00	04	12	
		337	00	10	70	
		329	00	01	05	
		336	00	06	71	
		335	00	05	92	
		334	00	03	95	
		333	00	00	57	
		Road	00	03	02	
		321/A	00	19	95	
		322	Sardar Sarovar Narmada Nigam Ltd.	00	04	43
		307		00	11	18
		Road	00	01	58	
06.	DHOBIKUWA	TA. : PADRA		DIST. : VADODARA		
		224/A/P/1	00	02	24	
		223/P/1	00	08	60	

1	2	3	4	5	6
06.	DHOBIKUWA	217/P/1		08	67
		Bhuj Minor	00	00	47
		216/P/1	00	08	47
		218/P/1	00	02	69
		219/P/1	00	04	45
		220/P/1	00	03	54
		207/P/1	00	03	20
		206	Sardar Sarovar	00	00
			Narmada Nigam Ltd.	00	22
		208/P/1		08	35
		188	Sardar Sarovar	00	09
			Narmada Nigam Ltd.		16
		192	Sardar Sarovar	00	00
			Narmada Nigam Ltd.		49
		191/P/1		01	87
		190/P/1		02	65
		189/P/1		02	36
		177/P/1		23	70
		123	Cart Track	00	01
			Sardar Sarovar	00	08
			Narmada Nigam Ltd.		64
			Cart Track	00	02
		126/P/1		19	13
		128/P/1		33	40
		143/P/1		10	.55
		146/A		04	67
		144/1		22	55
07.	VADU		TA. : PADRA, Govt.		DIST. : VADODARA.
		232		07	38
		235/P/1		13	18
		231/A/P/1		00	88
		282/P/2	Sardar Sarovar	00	32
		283/P/3	Narmada Nigam Ltd.		18
			Road	00	45
			Field Channel	00	09
		282/P/2	Sardar Sarovar	00	19
			Narmada Nigam Ltd.		88
		283/P/1		15	92
		285/P/1		04	01
		284		05	45
			Cart Track	00	03
		337/P/1		11	26
		336	Sardar Sarovar	00	15
			Narmada Nigam Ltd.		11
		335/P/1		12	57
		397/P/1		09	77
		398/P/1		11	96
		399/P/1		03	78
		400	Govt.	00	05
			Road	00	02
		460		03	09
			Vadu Minor	00	00
		471		10	67

1	2	3	4	5	6	
07.	VADU	470	Sardar Sarovar Narmada Nigam Ltd.	00	12	96
		461/P/1		00	05	67
		468/P/1		00	07	14
		466/P/1	Cart Track	00	00	78
		542/P/1	Cart Track	00	02	15
		545	Cart Track	00	00	64
		546/P/1		00	12	07
		547/P/1		00	17	49
		548/P/1		00	01	82
		549/P/1		00	04	67
		550		00	05	58
		552		00	06	16
		556		00	05	56
		557		00	15	92
		558	Cart Track	00	17	14
		604		00	01	96
		587/P		00	01	62
		588		00	05	97
		590		00	16	92
		586		00	03	02
				00	15	02
				00	01	50
08.	VISHRAMPURA		TA.: PADRA		DIST.: VADODARA	
		308/A/1		00	24	17
		309	Sardar Sarovar . Narmada Nigam Ltd.	00	10	08
			Muval Branch	00	00	44
			Minor-1	00	00	52
			SH-6	00	01	90
		314		00	05	98
		315		00	01	48
		316		00	01	82
		317		00	01	39
		318		00	02	05
		319		00	02	57
		320/P/1		00	06	86
		324/P/1		00	00	22
		332/P/1		00	09	78
		322/P/1		00	08	83
		326	Cart Track	00	00	87
		272/P/1		00	23	85
		263/P/1		00	14	09
		242	Sardar Sarovar Narmada Nigam Ltd.	00	06	14
		245/P/1		00	14	42
		246/P/1		00	00	39
		244	Sardar Sarovar Narmada Nigam Ltd.	00	08	59

1	2	3	4	5	6
	31	Govt. WBM Road'	00	04	16
	33/P/1		00	00	81
	32		00	09	47
	35	Sardar Sarovar Narmada Nigam Ltd.	00	00	03
	36		00	02	09
	37/P/1	Sardar Sarovar Narmada Nigam Ltd.	00	09	95
		Canal	00	11	14
	41	Sardar Sarovar Narmada Nigam Ltd.	00	00	65
		Sardar Sarovar	00	06	27
	375/P/2	Narmada Nigam Ltd.	00	04	38
		Sardar Sarovar	00	00	73
		Narmada Nigam Ltd.	00	10	22
		Cart Track	00	00	03
	12	Sardar Sarovar Narmada Nigam Ltd.	00	17	41
	52/P/1		00	08	76
	56	Sardar Sarovar Narmada Nigam Ltd.	00	00	86
	53/P/1		00	01	19
09.	MUVAL	TA. : PADRA	DIST. : VADODARA		
	538/A		00	10	57
	537/A		00	05	16
	537/B		00	05	16
	536/P/1		00	15	05
	535		00	00	03
		Road	00	01	19
10.	SANDHA	TA. : PADRA	DIST. : VADODARA		
	116/P/1		00	13	18
	125/P/1		00	19	36
	127/P/1		00	10	06
	128/P/1		00	12	86
		Cart Track	00	00	67
	148/P/1		00	06	92
	149		00	05	23
	151		00	06	29
	152		00	06	60
	153/P/1		00	12	07
	154/P/1		00	02	22
11.	LOLA	TA. : PADRA	DIST. : VADODARA		
	215/P/1		00	08	19
	216		00	04	69
	254		00	03	64
	214/P/1		00	12	73
	205/P/1		00	12	62
		Cart Track	00	01	15
	206		00	04	22
		Cart Track	00	00	91
	183/P/1		00	12	28
	185/P/1		00	07	26

1	2	3	4	5	6	
13.	GAVASAD (Contd.)	262 260 259 258 254		00 00 00 00 00	09 09 25 10 04	26 22 01 77 85
		Road		00 00 00	00 10 08	42 55 56
		255 251		00 00	05 14 01	89 81 66
		151	Cart Track	00	00	38
		Cattle Field		00	22	64
		152	Cart Track	00	03	55
		153		00	07	12
		154		00	10	64
		155		00	01	08
		156		00	12	13
		157		00	11	74
		1089		00	11	74
		161/P/1		00	11	74
		161/P/2		00	11	74
		162		00	00	27
		171		00	17	41
		123/P/1		00	07	40
		D/S#28		00	02	15
		172/P/1		00	00	98
		118		00	13	05
		116		00	00	38
		115		00	11	16
		114		00	00	59
13.(A)	GAVASAD	Dabka GGS	TA.:PADRA		DIST.: VADODARA	
		145 143 142 153		00 00 00 00	01 09 03 15	14 37 79 23
14.	GAMETHA		TA : PADRA		DIST. : VADODARA	
		228	Cart Track	00	00	51
		227/A		00	01	03
		226		00	00	32
		229		00	07	46
		233		00	03	71
		234	Road	00	00	58
		224	Govt.	00	03	86
		222		00	04	19
		221/P/1	Abhor Distributory	00	00	55
		235/P/1		00	04	65
		216		00	14	81
		215	Road	00	03	41
		214		00	01	47
			Cart Track	00	04	64
				00	00	67
				00	04	02

1	2	3	4	5	6
14.	GAMETHA (Contd.)	299	00	01	72
		300	00	14	59
		301	00	13	15
		308	00	03	91
		309	00	12	27
		320	00	13	91
		321	00	02	87
		322	00	10	28
		324	00	06	33
		328	00	01	15
		327	00	01	86
			Cart Track	01	51
		400	00	08	52
		399	00	01	76
		409	00	00	04
		397	00	12	21
			Cart Track	00	69
		411	00	07	15
		396	00	10	35
		416	00	14	31
		417/B	00	07	40
			Road	03	55
			Nala	01	33
15.	MASAR		TA.: PADRA		DIST. : VADODARA
		81	00	05	21
		80	00	02	71
		78	00	33	63
		91	00	15	75
		90	00	16	93
		96	00	00	03
		95	00	27	87
		112	00	33	19
		121	00	15	70
		122	00	10	44
		127	00	08	45
		126	00	13	67
		130	00	11	61
		129/P/I	00	15	28
			WBM Road	00	91
		132	00	16	15
		18	00	03	46
			Cart Track	01	75
		135	00	12	02
		136	00	05	40
		138	00	12	91
			Cart Track	02	90
		260	Sardar Sarovar	08	70
			Narmada Nigam Ltd.		
		263		14	06
		261	Sardar Sarovar	09	00
			Narmada Nigam Ltd.		
		262/A		06	65
		262/B		10	87
			Masar Branch Canal	00	74

1	2	3	4	5	6
15.	MASAR	287	00	07	18
		286/B	00	15	14
		335	00	01	52
		Cart Track	00	00	06
		Cattle Field Govt.			
		Padtar			
		338	00	37	51
		337	00	04	14
		Cart Track	00	02	88
		550	00	00	82
		555	00	12	67
		554	00	10	00
		562	00	10	50
		564	00	04	39
		Sardar Sarover			
		561	00	12	36
		Narmada Nigam Ltd.			
		565	00	14	81
		Cart Track	00	01	25
		685	00	07	77
		686	00	09	81
		684	00	05	23
		689	00	08	28
		682	00	13	26
		692	00	10	75
		693	00	00	45
		691	00	11	66
		695	00	20	00
		696	00	07	62
		Cart Track .	00	03	51
		786	00	11	44
		784	00	07	50
		785	00	12	07
		781	00	22	13
		863	00	05	16
		Cart Track	00	02	52
		847	00	16	10
		862	00	08	14
		860	00	00	01
		855	00	22	32
		854	00	02	56
		858	00	07	05
		Cart Track	00	02	43
		893	00	06	38
		894	00	01	15
		897	00	07	31
		Kanjat Minor	00	04	26
		Road	00	01	43
		896	00	00	50
		898	00	10	36
		899/P/2	00	08	23
		900	00	09	92
		902	00	09	18
		914	00	10	19
		915	00	10	93
		929	00	02	24
		917	00	07	52

1	2	3	4	5	6
15.	MASAR	918	00	08	20
		919	00	07	63
		920	00	13	33
		921	00	03	10
		922	00	00	65
16.	GAJERA	TA. : JAMBUSAR	DIST. : BHARUCH		
		1402	00	03	97
		1398	00	10	27
		1401	00	03	37
		1400	00	06	18
		1399	00	03	26
		1403/A	00	06	16
	D/S ONGC		00	02	65
		1391	00	06	05
		1404	00	00	07
		1390	00	11	76
		Metal Road	00	00	69
		1389	00	03	34
		1407	00	01	03
		1388	00	09	25
		1409	00	01	97
		1411	00	10	51
		1412	00	07	57
		1413	00	01	13
		1384	00	09	12
		1382	00	03	30
		1383	00	10	56
		1344	00	01	84
		1381	00	05	17
		1345	00	00	80
		1380	00	03	11
		1379	00	00	27
		1340	00	09	96
		1348	00	07	56
		1349	00	07	74
		Cart Track	00	02	49
		1350	00	10	60
		1351	00	05	41
		Cart Track	00	03	96
		1304	00	03	13
		1303	00	00	97
		1305	00	09	65
		1297	00	09	55
		1295	00	13	74
		1294	Cattle Field Gram Panchayat Gajera	00	05
		1249		01	64
			Road	00	00
			Road	00	01
		1292		02	30
		1252		03	45
		1270		00	28
		1254		08	25

1	2	3	4	5	6
16.	GAJERA	1269	Cattle Field Gram Panchayat Gajera Sub Minor 3/1	00	09 34
		1268		00	00 54
		1267		00	16 04
		1266		00	00 03
			Nala	00	16 70
		1160		00	02 42
		1163/A		00	15 30
		1173		00	22 17
		1169		00	07 69
		1170		00	07 30
		1168		00	08 75
			Cart Track	00	04 86
		1177		00	01 90
			Cart Track	00	02 95
		972		00	01 85
		960		00	11 09
		961		00	04 77
		962		00	26 33
		963		00	15 53
		964		00	13 81
		965		00	07 08
			Cart Track	00	06 31
		864		00	02 14
		852		00	13 22
		851		00	05 94
			Sub Minor 3/1	00	05 03
		866		00	02 28
		868		00	01 97
		869		00	11 92
		870		00	04 71
		871/A		00	09 58
			Vavli Distributory	00	12 14
		872/A		00	00 58
				00	08 42
17.	DABHA		TA. : JAMBUSAR		DIST.: BHARUCH
		997		00	32 99
			Sub Minor 2/1	00	00 45
		1003		00	17 63
		1005		00	26 28
			Sub Minor	00	00 60
		1009		00	13 51
		1008		00	04 88
			Cart Track	00	01 39
		1029		00	12 26
		1030		00	07 73
			Sub Minor 4/1	00	00 46
		1036		00	09 86
		1035		00	10 78
		1045		00	25 37
		1047		00	00 34
			Cart Track	00	02 85
		1052		00	17 31

1	2	3	4	5	6
17.	DABHA	1051	00	18	19
		1050/P/1	00	16	53
		1150/P/1	00	08	96
		Dabha Minor-1	00	03	00
		1153	00	09	09
		1160	00	09	60
		1172	00	26	21
		1173	00	01	68
		Cart Track	00	02	22
		834	00	08	06
		833/P/1	00	23	83
		833/P/2	00	22	55
		821	00	16	40
		829	00	15	55
		828	00	07	58
		827	00	06	98
		826	00	07	18
		652	00	15	98
		647	00	03	99
		653	00	17	81
		Cart Track	00	02	23
		633/P/2	00	18	34
		670/P/2	00	18	19
		ONGC Road	00	01	52
		625	00	12	22
		624	00	10	55
		623	00	24	11
		ONGC Road	00	01	30
		571	00	08	49
		570	00	08	68
		569	00	04	79
		ONGC Road	00	01	34
		475	00	05	04
		477	00	06	11
		478	00	07	30
		479	00	07	13
		483/B	00	31	84
		484	00	12	98
		490/A	00	09	32
		Road	00	06	50
		Jambusar Minor	00	01	09
		493/P/1	00	29	33
		494	00	01	25
		Cart Track	00	06	73
		408	00	06	08
		410	00	07	99
		411	00	07	80
		407	00	13	96
		399	00	00	90
		398	00	18	22
		397	00	12	55
		395	00	08	17
		Cattle Field Administrator of			

1	2	3	4	5	6
Gram Panchayat					
		Dabha			
	396	Cattle Field, Administrator of Gram Panchayat Dabha	00	12	20
17. (A) DABHA		TA : JAMBUSAR	DIST. :	BHARUCH	
		Jambusar GGS	00	04	36
		Cart Track	00	04	20
			00	08	42
18. UMARA	493/P/1	TA : JAMBUSAR	DIST. :	BHARUCH	
	370	Nala	00	00	19
	371		00	03	23
	372		00	11	54
	373		00	14	94
	374		00	06	83
	379		00	09	96
	380	Govt.	00	02	58
	383		00	07	52
	384/P/1		00	26	43
	395/P/1		00	14	19
	397		00	31	00
	396	Pond	00	02	31
		Cart Track	00	01	73
	408/P/1		00	21	14
	409		00	14	89
	411		00	31	82
	414		00	11	73
	422		00	14	46
	421		00	00	85
	420		00	19	23
		Drain	00	04	59
		Road	00	05	20
	11		00	09	90
	13		00	13	80
	14/A		00	03	71
	15		00	19	45
	16		00	07	68
					80
19. JAMBUSAR		TA : JAMBUSAR	DIST. :	BHARUCH	
	175		00	05	53
	176		00	12	86
	187+188		00	02	42
	186		00	17	68
	213		00	08	22
	214		00	07	31
	240		00	05	86
	239		00	06	99
	238		00	13	27
	237		00	06	67
		Cart Track	00	02	30
	221		00	00	03
	235		00	10	00
	233		00	12	67

1	2	3	4	5	6
	232/1+2		00	10	70
	230		00	13	69
	250+252		00	01	10
	279/1/A		00	04	96
		Cart Track	00	02	27
	229		00	11	68
		Cart Track	00	00	46
	407		00	19	73
	406/P/1		00	00	49
	405		00	11	73
	403		00	07	64
	402		00	12	94
		Koteshwar Minor	00	00	60
		CartTrack	00	03	34
	418		00	20	74
	419		00	09	28
		Road	00	04	16
		Field Channel	00	01	06
	509		00	09	83
	512		00	12	74
	513		00	09	06
	526		00	06	24
	515		00	06	98
	525		00	07	12
		N.G.Railway	00	05	99
		Field Channel	00	00	25
		Field.Channel	00	00	06
	524		00	05	16
	523		00	00	06
	517		00	17	34
	520		00	01	98
	519		00	06	08
		Gadoi Khadi	00	08	45
		Metal Road	00	05	59
	835		00	02	29
	833/P/1		00	00	56
	834/P/2		00	14	13
	823		00	40	30
	820	Govt. Pond	00	00	89
	821	Cattle Field	00	10	41
	822	Cattle Field	00	10	48
	817	Cattle Field	00	10	54
		Road	00	04	13
	816/P/2	Jambusar P.W.D.	00	01	72
		Land			
	1058		00	20	91
	1057		00	11	63
	1060	Govt.	00	09	96
	1061		00	08	91
	1062		00	06	48
		Cart Track	00	03	28
	1102		00	09	95
	1099		00	21	89

1	2	3	4	5	6
	1097		00	02	44
	1098	Govt.	00	11	75
	1095/1		00	06	95
	1095/2		00	09	04
	1120		00	15	29
	1121		00	18	61
	1122		00	13	46
	1123		00	00	01
	1125	Govt.	00	19	48
	1124		00	12	32
	1139		00	18	45
		Field Channel	00	00	69
	1140		00	15	03
	1138		00	00	93
	1137		00	10	58
	1136/A		00	02	42
	1174		00	03	79
	1173		00	06	64
		Jambusar Minor	00	02	69
		Kalak Minor	00	02	10
	1176/A		00	06	27
	1177/A		00	03	30
20.	LIMBAJ	TA. : JAMBUSAR		DIST. : BHARUCH	
	224		00	11	32
	126/P/2		00	12	49
	I23		00	12	25
	I22/P/1		00	08	28
		Kawa Minor-2	00	03	80
	121/I/A/P/1		00	00	12
		Cart Track	00	03	01
	I29		00	04	86
	165		00	07	74
	164		00	10	19
	161		00	06	54
	154		00	00	06
	155		00	08	17
	159		00	08	57
	158		00	11	88
	157		00	00	32
21.	KALAK	TA. : JAMBUSAR		DIST. : BHARUCH	
	838/B		00	00	09
	844		00	10	18
	843		00	08	89
	842		00	09	06
	841		00	11	01
	848		00	02	11
		Cart Track	00	04	30
	798		00	01	97
	799/P/1		00	08	76
	799/P/2		00	16	34
		Vanseta Distributary	00	01	93
	766/A/1		02	21	60
		Cart Track	00	02	60
	737		00	10	39

1	2	3	4	5	6
		Road	00	04	17
	725		00	05	78
	721/A		00	48	91
	724		00	04	51
	728		00	09	97
22.	VANS ETA	TA. : JAMBUSAR		DIST. : BHARUCH	
	86/P/1		00	24	24
	86/P/2		00	09	95
	37		00	28	69
	40		00	10	28
	42		00	06	94
	43		00	05	86
	44		00	02	74
		Nala	00	01	14
	16		00	10	18
	11		00	09	42
	10		00	00	11
	12		00	06	30
		Cart Track	00	01	66
	8		00	37	93
	9	Govt. Cattle Field	00	00	53
	1	Govt. Khari	00	00	43
	5		00	09	22
	3		00	13	33
	2	Govt. Cattle Field	00	01	06
		Road	00	03	83
	296/A		00	27	30
	297		00	12	77
		Field Channel	00	01	80
	299		00	11	92
	300		00	10	13
		Nala	00	01	33
	290/P/1		00	26	47
	274		00	27	25
	289		00	12	85
		Road & Drain	00	06	04
	287		00	19	09
		Road	00	01	47
	286	Govt. Cattle Field	00	95	50
23.	DOLIYA	TA. : JAMBUSAR		DIST. : BHARUCH	
	393	Kharabo, Gram	00	45	26
		Panchayat Doliya			
		Doliya Khadi	00	09	30
	392	Kharabo, Gram	00	47	08
		Panchayat Doliya			
	394/A	Kharabo, Gram	00	65	72
		Panchayat Doliya			
		Road	00	02	80
	377		00	04	40
		Govt. Cattle Field			
	376	Gram Panchayat	00	00	09
		Doliya			

1	2	3	4	5	6
DOLIYA	375		00	17	36
	378		00	03	96
	379		00	00	01
	374		00	11	35
	373	Govt. Cart Track	00	08	73
	253		00	01	78
	254		00	10	25
	252		00	02	91
	185		00	06	78
	187		00	00	44
	250	Govt.	00	03	53
	188		00	08	37
	242		00	20	87
	236		00	09	29
	237		00	25	79
	230		00	11	56
	231		00	04	80
	220		00	46	11
	216		00	12	33
	218		00	08	77
24.	TANKARI BANDAR	.TA. : JAMBUSAR		DIST. BHARUCH	
	1963		00	07	84
	1961		00	06	70
	1964		00	07	44
	1960		00	07	97
	1949		00	19	67
	1959		00	00	54
	1950		00	28	22
	1944		00	00	58
	1935		00	00	42
	1936		00	03	73
	1943		00	04	93
	1942		00	11	40
	1945		00	13	57
	1941/A		00	00	05
	1940		00	15	00
	2011		00	20	13
	2123		00	07	44
	2122	Cattle field	00	07	11
	2121		00	22	76
	2140		00	19	63
	2141		00	09	69
	2142		00	01	48
	2148/A		00	26	93
	2143		00	12	16
	2144		00	07	34
	2145		00	10	99
	2147/A		00	19	44
	2158		00	12	51
	2159		00	16	07
	2164		00	23	66

1	2	3	4	5	6
24.	TANKARI	2162	00	23	32
	BANDAR	2168	00	15	77
		2181	00	14	75
		2180	00	19	27
		2178	00	08	64
		2177	00	02	53
		Nala & Cart Track	00	09	90
		1506/P/1	00	03	73
		1586	00	09	96
		575	00	06	02
		1760	00	04	24
		1796	00	01	99
		1795	00	00	18
		672/B	00	36	19
		2335	00	12	05
		2336	00	04	48
		391	Cattlefield Road	00	09
		55	00	01	79
		56	00	10	76
		54	00	08	18
		35	00	07	65
		36	00	04	14
		38/A	00	09	75
		39	00	07	13
		40	00	07	24
		43	00	11	32
			Cart Track	00	06
		454	00	00	56
		450	00	27	71
		461	WBM Road	00	07
		449	Cattle field	00	79
		462	00	03	27
		463	00	08	12
		464	00	04	86
			Cart Track	00	76
		484	00	04	40
		485	00	05	83
		486	00	07	79
		487	00	02	46
		488	00	09	96
			Cart Track	00	08
		489	00	07	08
			Cattle field	00	28
		490	Administrator Shankar Sursang	19	86
		431	00	00	32
		430	00	08	11
		429	00	08	84
		428	00	08	24
		427	00	08	33
		1268	Kharkhadis Kharabo	00	06
		423	Govt. Padtar	85	35
			Cart Track	00	09
				00	86
				00	77

1	2	3	4	5	6
25.	ISLAMPUR	T.A. : JAMBUSAR	DIST. : BHARUCH		
		Khadi	00	06	51
	412/P/8	Khar no Kharabo	02	82	23
		Cart Track	00	00	51
		Khadi	00	03	70
		Cart Track	00	01	06
	411		00	14	74
	409		00	12	92
	408		00	16	54
	406		00	09	93
	405		00	01	50
		Cart Track	00	01	55
	368		00	30	96
	328/A		00	17	78
	327		00	16	43
	326		00	08	12
	330/A		00	08	30
	325		00	04	70
26.	KAPURIYA	T.A. : JAMBUSAR	DIST. : BHARUCH		
		128	00	14	54
		182	00	13	59
		183	00	03	35
		184	00	10	94
		J85	00	05	10
		212	00	25	98
		213	00	32	12
		216	00	75	14
		217	00	27	40
		215	00	52	06
27.	AASARSA	T.A. : JAMBUSAR	DIST. : BHARUCH		
		726	03	31	75
			00	00	64
		724	00	17	51
			00	02	62
		566	00	10	86
			00	03	51
		561	00	16	39
		562	00	07	28
		560	00	08	57
			00	01	03
		497	00	06	39
		499	00	11	17
		498	00	17	47
			00	08	12
		509	00	04	96
		512	00	10	12
		513	00	07	00
		517	00	07	46
		518	00	02	86
		523	00	02	78
		522/A	00	02	84
		522/B	00	02	

1	2	3	4	5	6
27.	AASARSA	T.A. : JAMBUSAR Govt. Padtar		DIST. : BHARUCH	
	524		00	01	69
	525		00	01	41
		Cart Track	00	03	01
	409		00	23	63
	410		00	09	15
	411	Govt. Waste Land	00	01	57
	412		00	02	34
	413		00	01	58
	414		00	05	80
	415		00	11	81
	349		00	27	04
	353		00	37	97
28.	NADA	T.A. : JAMBUSAR Govt.		DIST. : BHARUCH	
	956		00	15	86
	968		00	12	45
	967		00	08	20
	966		00	02	80
	965		00	03	42
	948	Govt.	00	13	33
	1027		00	00	09
	1028		00	07	01
	1029		00	00	03
	1030		00	05	65
	1103		00	14	90
	1104		00	02	45
	1123		00	00	03
	1105		00	01	76
	1106		00	06	17
	1107		00	04	69
	1097		00	06	48
	1096		00	04	17
	1109		00	10	00
	1118		00	02	44
	1114		00	01	58
	1113	?	00	06	28
	1172		00	12	22
	1173		00	06	23
	1174		00	03	57
	1175		00	07	81
	1088	Cattle Field Gram Panchayat Nada	00	05	47
		Cart Track	00	00	51
	1242		00	05	61
		ONGC Road	00	02	89
	1221		00	14	57
	1240		00	04	12
	1237		00	03	49
	1222		00	24	03
	1232		00	15	66
	1231	Govt. Gram Panchayat Nada	00	07	53
	1456		00	01	82
	1454/A		00	00	31

1	2	3	4	5	6
28.	NADA	TA. : JAMBUSAR		DIST. : BHARUCH	
	1229		00	08	63
	1463		00	05	04
	1450		00	21	24
	1519		00	04	08
	1520/A		00	14	65
	1523		00	02	56
	1526		00	02	26
	1527		00	02	03
		Road & Drain	00	03	39
	1529		00	00	87
	1530		00	18	49
	1558		00	26	86
	1557		00	11	97
	1551		00	12	39
	1640/A1	Govt. Khar Kharabo	06	08	46
		Road	00	03	18
	1684	Cattle field village	00	08	97
		Panchayat Nada			
		Road	00	02	30
	1655		00	11	45
	1653		00	01	84
	1652	Govt. Padtar village	00	21	13
		Panchayat Nada			
	1651	Govt. Padtar village			
		Panchayat Nada	00	01	36
	1645	Govt. Padtar village	00	15	22
		Panchayat Nada			
	1650	Pond village	00	10	02
		Panchavat Nada			
		Road	00	01	07
	1647	Govt. Khar no	00	08	24
		Kharabo			
		Road	00	04	81
		Khadi	00	07	34
		Gulf of Cambay	06	94	68
28.(A)	NADA	TA. : JAMBUSAR		DIST. : BHARUCH	
	Nada GGS		00	04	12
	1468		00	03	12
	1467		00	02	15
	1466		00	02	02
	1465		00	02	55
	1464		00	08	30
	1463		00	03	23

[F. No. O-36011/14/2010-ONG-II]
R.S. SIKDAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2012

का.आ. 752.—केन्द्रीय सरकार को सोकहित में यह आवश्यक प्रतीत होता है कि आन्ध्र प्रदेश राज्य में आन्ध्र प्रदेश नवीकरण परियोजना माध्यम ऑइल एण्ड नेचुरल गैस कार्पोरेशन लिमिटेड के द्वारा पाइपलाइनें बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइनें बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साथारण जनता को उपलब्ध करा दी जाती है, इककीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में उप आयुक्त और सक्षम प्राधिकारी, और स्पेशल उप जिला अधिकारी, आन्ध्र प्रदेश राजमहिला एसट/के.जी. बेसिन, ओ.एन.जी.सी., गोदावरी भवन, पूर्व गोदावरी, आन्ध्र प्रदेश। पिन-533106 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

आर.ओ.यु. पाइप लाइन : "डल्यू.के. वि.ए.ए. से जि. यो.स. 49 ए. डि."

मन्दिर :	गांव :	जिला :	राज्य :
सखिनेटि-	अंतरवेदि	पूर्व (ईस्ट)	आन्ध्र प्रदेश
पल्लि		गोदावरी	

क्षेत्रफल

क्रम सं.	गांव का नाम	आर.एस. नं. (सर्वे का सम्बन्ध)	हेक्टेस	एस	वर्ग मीटर
1	2	3	4	5	6

1. अन्तरवेदि	1150	00	03	24	
	1152	00	39	25	
	1154	00	02	43	
	1156 भाग	00	01	62	
	1156 भाग	00	01	62	
	1156 भाग	00	03	64	
	1156 भाग	00	03	64	
	1156 भाग	00	08	50	
	1156 भाग	00	02	83	

1	2	3	4	5	6
अंतरवेदि	(जारी)	1156 भाग	00	01	62
		1156 भाग	00	00	81
		1156 भाग	00	03	64
		1156 भाग	00	02	02
		1089 भाग	00	02	43
		1089 भाग	00	02	43
		1089 भाग	00	02	43
		1089 भाग	00	02	43
		1089 भाग	00	02	43
		1089 भाग	00	08	09
		1082 भाग	00	04	05
		1082 भाग	00	01	62
		1082 भाग	00	02	43
		1082 भाग	00	04	45
		1082 भाग	00	02	43
		1082 भाग	00	04	45
		1082 भाग	00	02	83
		1082 भाग	00	02	43
		1081	00	01	21
		1070 भाग	00	08	90
		1070 भाग	00	04	86
		1070 भाग	00	04	05
		1070 भाग	00	02	43
		1070 भाग	00	02	43
		1070 भाग	00	04	05
		1065	00	01	21
		1055	00	11	33
		1057/1 भाग	00	08	90
		1057/1 भाग	00	03	24
		1057/1 भाग	00	01	62
		1057/1 भाग	00	02	83
		1057/2 भाग	00	02	02
		1057/2 भाग	00	02	02
		1057/2 भाग	00	02	02
		1057/3	00	02	83
		1057/4	00	02	83
		1044/1 भाग	00	01	21

1	2	3	4	5	6
1	अंतर्वेदि (जारी)	1044/1 भाग	00	01	21
		1044/1 भाग	00	02	43
		1044/1 भाग	00	01	21
		1044/1 भाग	00	01	62
		1045/1	00	08	50
		1045/2	00	08	09
		1046 भाग	00	05	67
		1046 भाग	00	02	02
	जोड़		02	18	12

[फा. सं. ओ-12026/6/2012-ओ.एन.जी.-III]

राज सेखर सिकदार, अवर सचिव

New Delhi, the 8th February, 2012

S.O. 752.— Whereas, it appears to the Central Government that it is necessary in the public interest to lay pipelines under the state of Andhra Pradesh by Oil and Natural Gas Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in land under which the said pipelines are proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Special Deputy Collector and Competent Authority, Oil & Natural Gas Corporation Ltd. Rajahmundry Asset/K.G. Basin, Godavari Bhavan, Base Complex, Rajahmundry-533106, Andhra Pradesh.

SCHEDULE**ROU Pipeline From WKVAA to GS 49 AD**

Mandal :	Village:	District:	State
Sakhineti-palli	Antarvedi	East Godavari	Andhra Pradesh

Sl. No.	Name of the Village	Survey Number	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1.	Antarvedi	1150	00	03	24
		1152	00	39	25

1	2	3	4	5	6
1.	Antarvedi	1154	00	02	43
	(Contd.)	1156 Part	00	01	62
		1156 Part	00	01	62
		1156 Part	00	03	64
		1156 Part	00	03	64
		1156 Part	00	08	50
		1156 Part	00	02	83
		1156 Part	00	01	62
		1156 Part	00	00	81
		1156 Part	00	03	64
		1156 Part	00	02	02
		1089 Part	00	02	43
		1089 Part	00	02	43
		1089 Part	00	02	43
		1089 Part	00	08	09
		1082 Part	00	04	05
		1082 Part	00	01	62
		1082 Part	00	02	43
		1082 Part	00	04	45
		1082 Part	00	02	43
		1082 Part	00	04	45
		1082 Part	00	02	83
		1082 Part	00	02	43
		1081	00	01	21
		1070 Part	00	08	90
		1070 Part	00	04	86
		1070 Part	00	04	05
		1070 Part	00	02	43
		1070 Part	00	02	43
		1070 Part	00	04	05
		1065	00	00	21
		1055	00	11	33
		1057/1 Part	00	08	90
		1057/1 Part	00	03	24
		1057/1 Part	00	01	62
		1057/1 Part	00	02	83
		1057/2 Part	00	02	02
		1057/2 Part	00	02	02

1	2	3	4	5	6
1.	Antravedi	1057/2 Part	00	02	02
	(Contd.)	1057/3	00	02	83
		1057/4	00	02	83
		1044/1 Part	00	01	21
		1044/1 Part	00	01	21
		1044/1 Part	00	02	43
		ARVEDI			
		1044/1 Part	00	01	21
		1044/1 Part	00	01	62
		1045/1	00	08	50
		1045/2	00	08	09
		1046 Part	00	05	67
		1046 Part	00	02	02
		TOTAL	02	18	12

[F. No. O-12026/6/2012-ONG-III]

R. S. SIKDAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2012

का.आ. 753.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि आन्ध्र प्रदेश राज्य में आन्ध्र प्रदेश नवीकरण परियोजना माध्यम ऑइल एण्ड नेचुरल गैस कार्पोरेशन लिमिटेड के द्वारा पाइपलाइनें बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइनें बिछाई जाने का प्रस्ताव है, उपर्योग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में उप आयुक्त और सक्षम प्राधिकारी, और स्पेशल उप जिला अधिकारी, आन्ध्र प्रदेश राजमहाद्रि एसट/के.जी. बेसिन, ओ.एन.जी.सी., गोदावरी भवन, पूर्व गोदावरी, आन्ध्र प्रदेश । पिन-533106 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची
 आर.ओ.यू. पाइप लाईन : “जि.येम.डि.हेच से जि.एम.ए.ए., जि.येम.
 डि.जे. से जि.एम.ए.ए. एण्ड जि. येम. डि.जि. से जि.एम.ए.ए.
 (३-पेपर लैंस) ”

मन्डल :	गांव :	राज्य :
उपलगुण्ठम	उपलगुण्ठम जिले	आन्ध्रप्रदेश
	कुनवरम पूर्व (ईस्ट)	
	चत्तलपल्लि गोदावरी	
	गोपवरम	

क्रम सं	गांव का नाम	आर.एस. नं. (सर्वे संख्या)	क्षेत्रफल		
			हेक्टेयर्स	एस्ट	वर्ग मीटर
1	2	3	4	5	6
1.	उप्पलगुप्थम	917/2	00	05	26
		917/3 भाग	00	03	24
		917/3 भाग	00	02	43
		917/4 भाग	00	00	81
		217/2 सी 2	00	04	86
		217/2 बी 2	00	02	83
		219/2 बी 2 जी. पी. डैन	00	06	88
		222/2 बी	00	04	86
		222/1 बी	00	18	21
		229/2 बी 2	00	04	86
		229/2 ए 2	00	03	64
		230/2 सी 2	00	01	62
		230/2 बी 2	00	01	62
		230/2 डी 2	00	02	02
2.	कुनवरम	230/2 ए	00	02	02
		230/1 ए 2	00	01	21
		230/1 बी 2	00	05	67
		209/2 ई 2	00	03	64
		209/2 जी 2	00	04	05
		208/2	00	11	33
		208/3	00	01	21
		207/1 ए जी. पी. डैन	00	27	92
		1/971 ए जी. पी. डैन	00	56	65
		207/3 बी 2	00	04	05
		207/1 बी डैन	00	37	64
		पोरम्बोक्			
		197/1 बी डैन	00	14	57
		पोरम्बोक्			

1	2	3	4	5	6	1	2	3	4	5	6
3.	चल्लपल्लि	652/12	00	26	71	3.	चल्लपल्लि	660/3सौ	00	02	43
		649/1बी	00	07	28		(जारी)	660/4सौ	00	03	64
		771/1	00	02	83			6603बी	00	01	21
		776/1बी	00	10	12			664/5ए	00	09	71
		771/2	00	06	07			664/5बी2 पोरम्बोक	00	02	02
		771/2बी	00	09	71			665/3पी	00	09	31
		771/2बी	00	10	12			665/3पी	00	04	86
		653/1	00	07	69			666 जि.पि.	00	00	40
		652/2	00	15	78			751जि.पी.	00	00	40
		652/2	00	09	31			667/2ए	00	00	81
		649/1बी	00	05	67						
		649/3बी	00	04	86	4.	गोपवरम	168/2डैन	00	02	02
		648/1भाग	00	00	40			पोरम्बोक			
		654/2बी	00	01	21						
		654/3बी	00	02	43						
		654/2भाग	00	00	81						
		661/1बी	00	00	81						
		661/2	00	01	62						
		661/3ए	00	00	81						
		661/3सौ	00	02	02						
		661/4बी	00	02	02						
		661/5बी	00	02	83						
		661/6बी	00	02	43						
		661/7बी	00	02	43						
		661/8बी	00	02	43						
		659/2बी	00	01	62						
		659/3बी	00	01	62						
		659/4बी	00	01	62						
		659/5बी	00	01	21						
		659/6बी	00	00	40						
		660/2पी	00	01	21						
		660/2बी	00	04	05						
		660/3सौ	00	01	62						

[फा. सं. ओ-12026/3/2012-ओ.एन.जी.-III]

राज सेखर सिकदार, अबर सचिव

New Delhi, the 8th February, 2012

S.O. 753.— Whereas, it appears to the Central Government that it is necessary in the public interest to lay pipelines under the State of Andhra Pradesh by Oil and Natural Gas Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in land under which the said pipelines are proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Special Deputy Collector and Competent Authority, Oil & Natural Gas Corporation Ltd., Rajahmundry Asset/K.G. Basin, Godavari Bhavan, Base Complex, Rajahmundry-533106, Andhra Pradesh.

SCHEDULE

Mandal :	Village:	District :	State :
Uppalaguptam	Uppalagu- tham	East- Godavari	Andhra- Pradesh
	Kunavara		
	Challapalli		
	Gopavaram		

Sl. No.	Name of the Village	Survey Number	Area		
			Hectare	Sq. mtr.	Are
1	2	3	4	5	6
1.	Uppala-guptam	917/2	00	05	26
		917/3 Pt.	00	03	24
		917/3 Pt.	00	02	43
		917/4 Pt.	00	00	81
		217/2C2	00	04	86
I.	Uppala-guptam (Contd.)	217/2B2	00	02	83
		219/2B2 GPD Drain	00	06	88
		222/2B	00	04	86
		222/1B	00	18	21
		229/2B2	00	04	86
		229/2A2	00	03	64
		230/2C2	00	01	62
		230/2B2	00	01	62
		230/2D2	00	02	02
		230/2A2	00	02	02
2.	Kunavaram	230/1A2	00	01	21
		230/1B2	00	05	67
		209/2E2	00	03	64
		209/2G2	00	04	05
		208/2	00	11	33
		208/3	00	01	21
		207/1AGP(Drain)	00	27	92
		197/1A(Drain)	00	56	65
		207/3B2	00	04	05
		207/1B Drain Poramboke	00	37	64
		197/1B Drain Poramboke	00	14	57
3.	Challapalli	652/12	00	26	71
		649/1B	00	07	28
		GMDG/GMDJ			
		771/1	00	02	83

[F. No. O-12026/3/2012-ONG-III]

R. S. SIKDAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2012

का.आ. 754.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि आन्ध्र प्रदेश राज्य में आन्ध्र प्रदेश नवीकरण परियोजना माध्यम ऑइल एण्ड नेचुरल गैस कार्पोरेशन लिमिटेड के द्वारा पाइपलाइनें बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइनें बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतीयाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में उप आयुक्त और सक्षम प्राधिकारी, और स्पेशल उप जिला अधिकारी, आन्ध्र प्रदेश, राजमुद्रि एसट/के.जी. बेसिन, ओ.एन.जी.सी., गोदावारि भवन, पुर्व गोदावारि, आन्ध्र प्रदेश, पिन-533106 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

आर.ओ.यु. पाइप लाईन : "वि. जि.ए.ए. से मनडपेट # 5"

मन्डल :	गांव :	जिले पूर्व	राज्य :
कोत्पेट	अविडि	(ईस्ट) गोदावारी	आन्ध्र
	मोडेकुर्ल		प्रदेश
	पलिवेल		

क्रम सं.	ग्राम का नाम	(सर्वे का सम्बन्ध)	क्षेत्रफल		
			हेक्टेस	एस	बर्ग मीटर
1	2	3	4	5	6
1.	अविडि	644 जि.पि. पुंत	00	00	81
		642/2	00	02	02
		643/2बी	0	01	62
		606/2 जि.पि.	00	00	81
		फॉल्ड केनाल			
		604/9ई	00	04	05
		604/9डी	00	04	05
		604/9सी	00	01	21
		604/9बी	00	04	86

1	2	3	4	5	6
1.	अविडि	604/3बी	00	02	83
		(जारी)	604/2बी	00	05
			599/1बी	00	12
			599/2बी	00	04
			599/2बी	00	05
			596/5बी	00	02
			596/2बी	00	02
			596/4बी	00	02
			596/1डी	00	03
			596/1सी	00	03
			596/1बी	00	02
			589/4बी	00	03
			589/3बी	00	02
			589/5बी	00	02
			589/2बी	00	03
			588 जि.पि.	00	00
			पुंत		
			549/4डी	00	04
			549/4सी	00	01
			549/4बी	00	01
			549/3डी	00	01
			549/3सी	00	02
			549/3बी	00	03
			550/7सी	00	04
			550/7बी	00	10
			550/1बी	00	05
			551/2 जि.पि. पुंत	00	00
			540/2बी	00	17
			539/5बी	00	03
			539/4बी	00	03
			539/3सी	00	02
			539/3बी	00	02
			539/3ए	00	02
			539/2ए	00	04
			539/1ए	00	01

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
1.	अविडि (जारी)	535/4ए 535/1ए 533/6ए 533/5बी 533/5ए 533/4बी भाग 533/4बी भाग 533/7बी 533/1बी 484/2 जि.पि. केनाल 482/3ए 482/2बी 481/2 जि.पी. रोड 450/1बी 449/3सी 449/3बी 449/1बी 448/2 जि.पी.केनाल 420/3बी 420/2बी 421/2 438/1बी 439/3सी 439/3बी 439/2बी 439/1बी 447 जि.पी.केनाल 441 जि.पी.केनाल 440/1जि.पी.रोड 286 जि.पी.ड्रेन 287/2बी 284/2सी 284/2बी 284/1 बी 281/7बी		00 02 83 00 03 24 00 03 24 00 01 62 00 02 43 00 03 24 00 03 24 00 03 64 00 02 83 00 02 02 00 00 40 00 04 86 00 01 21 00 03 64 00 07 69 00 04 45 00 07 69 00 02 02 00 04 86 00 04 86 00 06 88 00 08 90 00 07 28 00 10 12 00 03 64 00 04 45 00 07 69 00 09 71 00 01 62 00 01 21 00 02 02 00 04 05 00 04 86 00 10 12 00 05 26			1. अविडि (जारी...) 2. मोडेकुरु	281/6बी 125/7बी 125/6ए 125/2बी 125/1ए 126/2 128/5बी 135/9बी 135/8सी 135/8बी 135/7बी 133/2 133/2 141/2 जि.पी. कार्ट ट्रैक 147/3 भाग 148/5 148/4 148/3 148/2 154/जि.पी. 161/7ए 161/6बी 161/2सी 161/1सी 161/1बी 160/5 160/5 160/5 160/4 160/3 160/2 164/2 जि.पी.सी.सी. रोड 62/5बी 62/5ए 62/4ए			00 06 07 00 07 69 00 00 40 00 04 86 00 02 02 00 10 93 00 07 28 00 04 45 00 01 62 00 07 28 00 10 52 00 01 21 00 00 40 00 05 26 00 01 62 00 03 64 00 06 07 00 03 64 00 05 67 00 08 09 00 02 02 00 04 05 00 05 26 00 01 62 00 02 43 00 05 26 00 01 21 00 03 24 00 06 07 00 00 81 00 03 64 00 03 64 00 08 50 00 05 67 00 08 09 00 02 02 00 04 05 00 05 26 00 01 62 00 02 43 00 00 81 00 04 45 00 07 28

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
2.	મોડેકુર્ઝ (જારી...)	61/2ઈ	00	04	86	2.	મોડેકુર્ઝ (જારી...)	10/2	00	16	19
		61/2ડી	00	04	05			4/5બી	00	06	07
		61/2સી	00	04	86			4/4એ	00	00	40
		61/2બી	00	02	02			4/3સી	00	02	83
		60/12બી	00	02	02			5/7	00	00	40
		60/2બી	00	02	02			5/4	00	01	62
		160/11બી	00	02	43			5/3સી	00	05	26
		60/3બી	00	03	24			4/3બી	00	00	81
		59/2બી	00	12	95			5/38	00	02	83
		55/2 જિ.પી.રોડ	00	01	21			2 જિ.પિ.સિ.સિ. રોડ	00	00	81
		45/2	00	04	45			789	00	05	67
		45/2	00	02	43			790 ભાગ	00	03	64
		46/8એ	00	04	45			790 ભાગ	00	09	31
		46/6એ	00	00	40			784/5	00	02	83
		46/5સી	00	00	40			784/3	00	02	83
		46/6બી	00	00	81			784/2	00	05	67
		46/5બી	00	02	02			783/8	00	01	62
		47/3બી	00	03	64			3/8	00	03	24
		48/2બી	00	04	45			783/3	00	05	26
		48/2સી	00	01	62			781	00	07	28
		48/3બી	00	01	21			780	00	06	88
		48/4બી	00	02	43			779/2	00	08	90
		48/5બી	00	02	83			779/1 ભાગ	00	02	43
		41/1બી	00	35	21			779/1 ભાગ	00	03	64
		13/9બી	00	03	64			779/1 ભાગ	00	03	24
		13/8બી	00	04	05			690/4	00	05	26
		13/6બી	00	06	07			690/5	00	04	05
		14/3બી	00	04	86	3. પલિવેલ		690/3	00	03	24
		14/2ડી	00	04	05			690/2 ભાગ	00	02	43
		14/2સી	00	00	81			690/2 ભાગ	00	03	64
		14/2બી	00	05	67			691/15	00	08	09
		12/1ડી	00	04	05			691/13	00	04	05
		12/1બી	00	11	74			691/8	00	00	40
		9/1ડી	00	06	07			691/7	00	04	05
		9/1સી	00	03	64			691/7	00	02	02
		9/1બી	00	02	43			યોગ	07	95	19

मंडल: गांव : पुल्लेटिकुरु जिले :			राज्य : आंध्र प्रदेश			1	2	3	4	5	6
क्रम सं.	ग्राम का नाम (सर्वे का संख्या)	आर.एस. नं. (सर्वे का संख्या)	क्षेत्रफल हेक्टर टेयर	एस वर्ग मीटर		1.	पुल्लेटिकुरु (जारी...)	220/2बी	00	11	74
1	2	3	4	5	6		221/2 जि.पि. केनाल्	00	03	64	
1.	पुल्लेटिकुरु	322/3ए	00	08	09		223/5बी	00	01	21	
		337/2 जि.पि. पुंत	00	01	21		223/4बी	00	04	86	
		340/2बी	00	02	83		223/1बी	00	01	21	
		340/1बी	00	07	69		225/2 GP	00	01	62	
		341/2बी	00	07	28		30/2बी	00	08	50	
		341/3ए	00	00	40		29/2 जि.पि. केनाल्	00	01	62	
		342/7सी	00	03	64		28/5सी	00	02	83	
		342/7बी	00	04	86		28/5बी	00	02	83	
		342/4बी	00	04	45		28/4डी	00	03	64	
		342/3बी	00	03	64		28/4सी	00	02	02	
		351/8सी	00	00	81		28/4बी	00	02	43	
		351/8बी	00	07	69		28/1ए	00	06	88	
		351/7बी	00	01	21		27/8ए	00	02	83	
		351/4बी	00	12	55		27/7ए	00	02	02	
		352/3डी	00	03	64		27/6ए	00	02	02	
		352/3सी	00	09	71		27/5ए	00	00	81	
		352/3बी	00	02	83		27/4ए	00	03	24	
		211/3बी	00	02	43			योग	01	95	05
		211/2बी	00	02	83						
		210/4बी	00	03	64			[फा. सं. आ.-12026/1/2012-ओ.एन.जी.-III]			
		210/1बी	00	04	05						
		208/2बी सीपी	00	01	62			राज सेखर सिकदार, अपर सचिव			
		कार्ट ट्रैक									
		205/2डी	00	02	02			New Delhi, the 8th February, 2012			
		205/2बी	00	06	07						
		205/2सी	00	01	62			S.O. 754.—Whereas, it appears to the Central Government that it is necessary in the public interest to lay pipelines under the state of Andhra Pradesh by Oil and Natural Gas Corporation Limited;			
		205/2बी	00	02	83						
		206/2बी	00	17	40			And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in land under which the said pipelines are proposed to be laid and which are described in the Schedule annexed hereto;			
		206/1बी	00	01	21						
		200/2 जि.पि. केनाल्	00	00	40			Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;			
		219/2 जि.पि. केनाल्	00	00	40						
								Any person interested in the land described in the said schedule may, within twenty one days from the date			

on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Special Deputy Collector and Competent Authority, Oil and Natural Gas Corporation Ltd., Rajahmundry Asset/ K.G., Basin, Godavari Bhavan, Base Complex, Rajahmundry-533106, Andhra Pradesh.

Mandal : Village : District: State:
 Kothapeta Avidi East Andhra
 Modekurru Godavari Pradesh
 Palivelu

(1)	(2)	Survey No.	Area		
			Hec. tare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)	(6)
1.	Avidi	644 G.P Puntha	00	00	81
		642/2	00	02	02
		643/2B	00	01	62
		606/2 GP	00	00	81
		Field channel			
		604/9E	00	04	05
		604/9D	00	04	05
		604/9C	00	01	21
		604/9B	00	04	86
		604/3B	00	02	83
		604/2B	00	05	67
		599/1B	00	12	14
		599/2B	00	04	45
		599/2B	00	05	26
		596/5B	00	02	83
		596/2B	00	02	02
		596/4B	00	02	43
		596/1D	00	03	24
		596/1C	00	03	64
		596/1B	00	02	83
		589/4B	00	03	24
		589/3B	00	02	83
		589/5B	00	02	83
		589/2B	00	03	24
		588 G.P. Puntha	00	00	40
		549/4D	00	04	05
		549/4C	00	01	62
		549/4B	00	01	62
		549/3D	00	01	21
		549/3C	00	02	02
		549/3B	00	03	24
		550/7C	00	04	05

(1)	(2)	(3)	(4)	(5)	(6)
1.	Avidi	550/7B	00	10	12
	(Contd..)	550/1B	00	05	67
		551/2 G.P. Puntha	00	00	81
		540/2B	00	17	81
		539/5B	00	03	64
		539/4B	00	03	24
		539/3C	00	02	83
		539/3B	00	02	43
		539/3A	00	02	83
		539/2A	00	04	05
		539/1A	00	01	21
		535/4A	00	02	83
		535/1A	00	03	24
		533/6A	00	03	24
		533/5B	00	01	62
		533/5A	00	02	43
		533/4B pt.	00	03	24
		533/4B pt.	00	03	24
		533/7B	00	03	64
		533/1B	00	02	83
		484/2 G.P. Canal	00	02	02
		482/3A	00	01	40
		482/2B	00	04	86
		481/2 G.P. Road	00	01	21
		450/1B	00	03	64
		449/3C	00	07	69
		449/3B	00	04	45
		449/1B	00	07	69
		448/2 G.P. Canal	00	02	02
		420/3B	00	04	86
		420/2B	00	04	86
		421/2	00	06	88
		438/1B	00	08	90
		439/3C	00	07	28
		439/3B	00	10	12
		439/2B	00	03	64
		439/1B	00	04	45
		447 G.P. Canal	00	07	69
		441 G.P. Canal	00	09	71
		440/1 G.P. Road	00	01	62
2.	Modekurru	13/9B	00	03	64
		13/8B	00	04	05
		13/6B	00	06	07
		14/3B	00	04	86
		14/2D	00	04	05
		14/2C	00	00	81

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
Avidi (Contd...)	14/2B		00	05	67	2. Modekurru (Contd...)	160/5		00	04	05
	12/1D		00	04	05		160/5		00	05	26
	12/1B		00	11	74		160/4		00	01	62
	9/1D		00	06	07		160/3		00	02	43
	9/1C		00	03	64		160/2		00	08	09
	9/1 B		00	02	43		164/2 GP		00	00	81
	10/2		00	16	19		CC Road				
	4/5B		00	06	07		62/5B		00	04	45
	4/4A		00	00	40		62/5A		00	07	28
	4/3C		00	02	83		62/4A		00	03	24
	5/7		00	00	40		61/2E		00	04	86
	5/4		00	01	62		61/2D		00	04	05
	5/3C		00	05	26		61/2C		00	04	86
	4/3B		00	00	81		61/2B		00	02	02
	5/3B		00	02	83		60/12A		00	02	02
	2GPCC Road		00	00	81		60/2B		00	02	02
	286 GP Drain		00	01	21		60/11B		00	02	43
	287/2B		00	02	02		60/3B		00	03	24
	284/2C		00	04	05		59/2B		00	12	95
	284/2B		00	04	86		55/2 GP Road		00	01	21
	284/1 B		00	10	12		45/2		00	04	45
	281/7B		00	05	26		45/2		00	02	43
	281/6B		00	06	07		45/2		00	03	24
	125/7B		00	07	69		46/8A		00	04	45
	125/6A		00	00	40		46/6C		00	00	40
	125/2B		00	04	86		46/5C		00	00	40
	125/1A		00	02	02		46/6B		00	00	81
	126/2		00	10	93		46/5B		00	02	02
	128/5B		00	07	28		47/3B		00	03	64
	135/9B		00	04	45		48/2B		00	04	45
	135/8C		00	01	62		48/2C		00	01	62
	135/8B		00	02	43		48/3B		00	01	21
	135/7B		00	05	26		48/4B		00	02	43
	133/2		00	01	62		48/5B		00	02	83
	133/2		00	07	28		41/1B		00	35	21
	133/2		00	10	52		789		00	05	67
	141/2 GP		00	01	21		790 pt		00	03	64
	Cart Track						790 pt		00	09	31
	147/3 part		00	00	40		784/5		00	02	83
	148/5		00	05	26		784/3		00	02	83
	148/4		00	03	64		784/2		00	05	67
	148/3		00	03	24		783/8		00	01	62
	148/2		00	06	07		783/8		00	03	24
	154/2GP		00	00	81		783/3		00	05	26
	161/7A		00	03	64		781		00	07	28
	161/6B		00	03	64		780		00	06	88
	161/2 C		00	08	50		779/2		00	08	90
	161/1C		00	05	67		779/1pt		00	02	43
	161/1B		00	08	09		779/1pt		00	03	64
	160/5		00	02	02		779/1pt		00	03	24

(1)	(2)	(3)	(4)	(5)	(6)		219/2 GP Canal	00	00	40	
2.	Modekurru	690/4	00	05	26		220/2B	00	11	74	
	(Contd...)	690/5	00	04	05		221/2 GP	00	03	64	
		690/3	00	03	24		Kowshika Drain				
		690/2pt	00	02	43		223/5B	00	01	21	
		690/2pt	00	03	64		223/4B	00	04	86	
		691/15	00	08	09		223/1B	00	01	21	
		691/13	00	04	05		225/2 GP	00	01	62	
		691/8	00	00	40		Kowshika Drain				
		691/7	00	04	05		30/2B	00	08	50	
		691/7	00	02	02		29/2 G.P. Drain	00	01	62	
			Total	07	95	19		28/5C	00	02	83
							28/5B	00	02	83	
							28/4D	00	03	64	
							28/4C	00	02	02	
							28/4B	00	02	43	
							28/1A	00	06	88	
							27/8A	00	02	83	
							27/7A	00	02	02	
							27/6A	00	02	02	
							27/5A	00	00	81	
							27/4A	00	03	24	

Mandal : Village: District: State
 Ambajipeta Pulletikurru East Godavari
 Andhra Pradesh

Sl. No. of mtr.	Survey No.	Area		
		Hectare	Are	Sq.
	No. the Village			

(1)	(2)	(3)	(4)	(5)	(6)
1.	Pulleti Kurru	322/3A	00	08	09
		337/2 G.P Puntha	00	01	21
		340/2B	00	02	83
		340/1B	00	07	69
		341/2B	00	07	28
		341/3A	00	00	40
		342/7C	00	03	64
		342/7B	00	04	86
		342/4B	00	04	45
		342/3B	00	03	64
		351/8C	00	00	81
		351/8B	00	07	69
		351/7B	00	01	21
		351/4B	00	12	55
		352/3D	00	03	64
		352/3C	00	09	71
		352/3B	00	02	83
		211/3B	00	02	43
		211/2B	00	02	83
		210/4B	00	03	64
		210/1B	00	04	05
		208/2BGP	00	01	62
		Cart track			
		205/2D	00	02	02
		205/2D	00	06	07
		205/2C	00	01	62
		205/2B	00	02	83
		206/2B	00	17	40
		206/1B	00	01	21
		200/2 GP Canal	00	00	40

[F. No. O-12026/1/2012-ONG-III]

R. S. SIKDAR, Under Secy.

नई दिल्ली, 14 फरवरी, 2012

का. आ. 755.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को, जिनके 80 या अधिक प्रतिशत कर्मचारीवृद्धि ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

भारत पेट्रोलियम कार्पोरेशन लिमिटेड

- प्रादेशिक कार्यालय
बिजवासन (रिटेल), दिल्ली
- प्रादेशिक कार्यालय
(एलपीजी) प्लांट एवं टेरिटरी कार्यालय, लोनी, गाजियाबाद (उ.प्र.)
- प्रादेशिक कार्यालय/संस्थापन,
मथुरा (रिटेल), उत्तर प्रदेश
- प्रादेशिक कार्यालय, (एलपीजी), प्लांट
पियाला, तहसील बल्लभगढ़, पोस्ट-असावटी, जिला
फरीदाबाद-121102
- इंडियन आयल कार्पोरेशन लिमिटेड
(विपणन प्रभाग), पाइपलाइन टर्मिनल, (अंबाला टर्मिनल),
जी.टी. रोड, अंबाला कैट-133001 (हरियाणा)
- (विपणन प्रभाग), ब्लॉक पेट्रोलियम डिपो,
पोस्ट लाल कुआं (नैनीताल)-262402 (उत्तराखण्ड)

(1)	(2)	(3)	(4)	(5)	(6)
८.	(विषयन प्रभाग), पंजाब राज्य कार्यालय, ३ए सेक्टर १९ए, मध्य मार्ग, चंडीगढ़-१६००१९				
९.	(विषयन प्रभाग), मदनपुर खादर, एलपीजी संयंत्र, कालिदी कुंज के सामने, नई दिल्ली-११००४४				
	मंगलूर रिफाइनरी एण्ड पेट्रोकेमिकल्स लिमिटेड				
१०.	मंगलूर रिफाइनरी एण्ड पेट्रोकेमिकल्स लिमिटेड, एलजीएफ, मर्केन्टाइल हाउस, १५ के.जी. मार्ग, नई दिल्ली-११०००१				

[सं. 11011/1/2011(हिन्दी)]
जानकी आहूजा, उप निदेशक (सा.भा.)

New Delhi, the 14th February, 2012

S.O. 755.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the administrative control of the Ministry of Petroleum and Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi :—

Bharat Petroleum Corporation Limited

1. Territory Office
Bijwasan (Retails), Delhi
2. Territory Office
(LPG) Plant and Territory Office, Loni,
Ghaziabad (U. P.)
3. Territory Office
Mathura (Retail), Mathura, (UP)
4. Territory Office, (LPG) Plant, Piyala
Tehsil-Ballabgarh, Post-Asawati,
Distt.-Faridabad-121102

Indian Oil Corporation Limited

5. (Marketing Division), Pipeline Terminal,
(Ambala Terminal), G.T. Road, Ambala Cantt.-133001,
(Haryana)
6. (Marketing Division), Bulk Petroleum Depot,
Post Lal Kuan (Nainital)-262402 (Uttarakhand)
7. (Marketing Division), Punjab State Office, 3A,
Sector-19A, Madhya Marg, Chandigarh-160019
8. (Marketing Division), Madanpur Khadar,
LPG Plant, Opp. Kalindi Kunj, New Delhi-110044

Mangalore Refinery and Petrochemicals Limited

9. Mangalore Refinery and Petrochemicals Limited,
LGF Mercantile House, 15 K.G. Marg,
New Delhi-110001

[No. 11011/1/2011 (Hindi)]

JANKI AHUJA, Dy. Director (OL)

नई दिल्ली, 16 फरवरी, 2012

का.आ. 756.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम,

1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को उक्त अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र की बाबत उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है अर्थात् :-

अनुसूची

प्राधिकारी का नाम और पता	क्षेत्र
श्री एस. एम. सैयद, डिप्टी कलेक्टर गुजरात स्टेट पेट्रोनेट लिमिटेड, ५वीं मजिल, जीएसपीसी भवन, गांधीनगर-382010	गुजरात राज्य के मेहसाना, पाटन तथा बनासकांठा जिला के लिए

2. यह अधिसूचना जारी होने की तारीख से लागू होगी।

[फा. सं. एल-14014/39/2011-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 16th February, 2012

S.O. 756.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby Authorizes the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the areas mentioned in column (2) of the said Schedule namely :—

SCHEDULE

Name and Address of the Authority	Area of Jurisdiction
Shri S. M. Saiyed, Dy. Collector, Gujarat State Petronet Limited 5th Floor, GSPC Bhavan, Gandhinagar-382010	For Mehsana, Patan and Banaskantha District of Gujarat State.

2. This notification will be effective from the date of its issue.

[F. No. L-14014/39/2011-GP]
A. GOSWAMI, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 18 जनवरी, 2012

कांआ० 757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी सुपरेन्डेट इन्जीनीयर, बंगला नं-6 के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या सी०जी०आई०टी०/एन०जी०पी०/159/2002/811) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2012 को प्राप्त हुआ था।

[सं० एल-42011/44/1993-आईआर (डीयू)]
जोहन तोपनो, अवार सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th January, 2012

S.O. 757.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/ NGP/159/2002/811) of the Central Government Industrial Tribunal cum Labour Court Nagpur as shown in the Annexure, in the Industrial dispute between **The Supdt. Engineer, C.P.W.D., Bungalow No.-6 and their workman**, which was received by the Central Government on 18.01.2012.

[No. L-42011/44/1933-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NAGPUR.

No. 159/2002

DIARY

Date	Exhibit No.	Porgress
46/11-2-11		Both the parties are absent on calls. The petitioner is absent on calls. RPAD notice has already been issued to the petitioner but it has next back by the Postal Department.
		P.O. is on official tour. Call on 17/5/11 for further order.
47/18-5-11		As 17/5/11 is a holiday, case file is put up today i.e. on 18/5/11.
		Both the parties are absent on calls. P.O. is on leave.
		Call on 22/7/11 for further orders.
48/22-7-2011		Parties are absent on calls. None appears

on behalf of either of the parties. This as a case of the year 2002. Notice sent to the petitioner by RP with AD is back with out service, with endorsement that petitioner has left the address mentioned in the letter.

Perused the record. The petitioner has not appeared since the date of initiation of the reference. Since 14.7.2003 the management is not appearing. No statement of claim has been filed:

It appears from the record that parties are not interested to proceed with the case and no dispute between them is in existence. Hence it is order:—

The reference may be treated as a "no dispute order."

Send a copy or the order to the Central Govt. for notification.

J.P.CHAND,
Presiding Officer

Order in case no. 159/2002

Parties are absent on calls. None appears on behalf of either of the parties. This is a case of the year 2002. Notice sent to the petitioner by RP with AD is back with out service; with endorsement that petitioner has left the address mentioned in the letter.

Perused the record. The petitioner has not appeared since the date of initiation of the reference. Since 14.7.2003 the management is not appearing. No statement of claim has been filed.

It appears from the record that parties are not interested to proceed with the case and no dispute between them is in existence. Hence it is order:—

The reference may be treated as a "no dispute order."

Send a copy of the order to the Central Govt. for notification.

J.P.CHAND, Presiding Officer
Nagpur

नई दिल्ली, 23 जनवरी, 2012

कांआ० 758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रिंसिपल नवोदय विद्यालय, तिलवसनी जिला, जोधपुर प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जोधपुर के पंचाट (संदर्भ संख्या 01/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-01-2012 प्राप्त हुआ था।

[सं० एल-42012/06/2008-आईआर (डीयू)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd January, 2012

S.O. 758—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 01/2008) of the Industrial Tribunal cum Labour Court Jodhpur as shown in the Annexure, in the Industrial dispute between The Principal Navodaya Vidhyalya, Tilwasni Distt. Jodhpur and their workman, which was received by the Central Government on 23.01.2012.

[No. L-42012/06/2008-IR(DU)
RAMESH SINGH, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर।

पीठसीन अधिकारी: श्री एच०आर० नागौरी, आर०एच०जे०एस०
औद्योगिक विवाद (केन्द्रीय) संख्या: 01 सन् 2008

श्री ओमप्रकाश पुत्र किशनाराम जी जाति विश्नोई निवासी गांव
तिलवासनी जिला जोधपुर।

.....प्रार्थी

बनाम

प्रिंसीपल, नवोदय विद्यालय, तिलवासनी जिला जोधपुर।

.....अप्रार्थी

उपस्थिति:—

(1) प्रार्थी के प्रतिनिधि श्री खेमाराम चौधरी उपस्थित।

(2) अप्रार्थी के प्रतिनिधि सुश्री कुमुम राव उपस्थित।

अधिनिर्णय

दिनांक:—30.05.2011

1. भारत सरकार के श्रम मंत्रालय ने अपनी अधिसूचना क्रमांक एल० 42012/06/2008-आई०आर० (डी०य०) नई दिल्ली दिनांक 20.03.2008 के द्वारा निम्न विवाद अधिनिर्णय हेतु इस न्यायालय को प्रेषित किया गया है:—

"Whether the action of the management of Jawahar Navodaya Vidhyalya in terminating the services of their workman Shri Om Prakash w.e.f. 09.05.2005 is legal and justified? If not, to what relief the workmans is entitled to?"

प्रार्थी ने अपने मांग-पत्र में यह उल्लेख किया है कि अप्रार्थी नियोजक द्वारा प्रार्थी श्रमिक को प्रारम्भ में सन् 1991 में चौकीदार के पद पर नियुक्त किया गया। एक साल की सेवाएं पूरी होने के बाद उस समय प्रार्थी की सेवाएं समाप्त कर दी गई, लेकिन प्रार्थी को अप्रार्थी नियोजक ने पुनः बतौर ड्राईवर/इलेक्ट्रीशियन के पद पर दिनांक 1.4.2001 को नियुक्त किया। वहाँ प्रार्थी ने दिनांक 31.1.2002 तक निरन्तर बिना किसी व्यवधान के कार्य किया, लेकिन अप्रार्थी नियोजक ने अपने मौखिक आदेश दिनांक 1.2.2002 के द्वारा प्रार्थी की सेवाएं समाप्त कर दी।

इसके पश्चात् अप्रार्थी नियोजक ने प्रार्थी को पुनः बतौर ड्राईवर/इलेक्ट्रीशियन के पद पर दिनांक 1.7.2004 को नियुक्त किया वहाँ प्रार्थी ने लगातार बिना किसी व्यवधान के अप्रार्थी संस्थान में दिनांक 9.5.2004 तक कार्य किया, लेकिन अप्रार्थी संस्थान ने प्रार्थी की दिनांक 9.5.2005 को सेवाएं समाप्त कर दी। प्रार्थी ने सेवा समाप्ति की तारीख के पूर्व के 12 माहों में 240 दिनों से अधिक दिनों तक कार्य किया है, लेकिन अप्रार्थी संस्थान ने प्रार्थी की सेवा समाप्त करने में औद्योगिक विवाद, अधिनियम के प्रावधानों की पालना नहीं की है। अप्रार्थी संस्थान ने प्रार्थी की सेवा समाप्त करने के पूर्व न तो उसे इसके सम्बन्ध में कोई नोटिस दिया और न ही नोटिस बेतन तथा भुआवजा दिया। इस प्रकार प्रार्थी ने उल्लेख किया है कि अप्रार्थी नियोजक ने प्रार्थी श्रमिक की सेवा समाप्त करने के पूर्व औद्योगिक विवाद अधिनियम की धारा 25-एफ की पालना नहीं की है।

3. प्रार्थी ने अपने मांग-पत्र में यह भी उल्लेख किया है कि प्रार्थी की सेवा समाप्त करने के पश्चात् अप्रार्थी नियोजक ने श्री नैनाराम पुत्र सूरताराम माली को बतौर ड्राईवर के रूप में नियुक्त किया, लेकिन इसके पूर्व प्रार्थी को पुनः सेवा में स्थापित करने के संबंध में प्रार्थी को कोई सूचना नहीं दी गई। प्रार्थी ने यह उल्लेख किया है कि यह औद्योगिक विवाद अधिनियम की धारा 25-एच का उल्लंघन है। उक्त आधारों पर प्रार्थी ने यह प्रार्थना की है कि प्रार्थी की सेवा समाप्ति के आदेश दिनांक 9.5.2005 को निरस्तर किया जावे तथा प्रार्थी की सेवाओं को सेवापृथकता की तारीख से लगातार मानते हुए सम्पूर्ण लाभों सेहत प्रार्थी को पुनः सेवा में स्थापित करने का आदेश पारित किया जावे।

4. अप्रार्थी ने अपने प्रत्युत्तर में यह उल्लेख किया है कि प्रार्थी ने दैनिक बेतन भोगी कर्मचारी के रूप में कार्य किया तथा वह केवल पम्प के बॉल को खोलने तथा बन्द करने का काम करता था। यह तथ्य गलत बताया है कि प्रार्थी चौकीदार के पद पर कार्य करता था। यह तथ्य भी गलत बताया है कि प्रार्थी की दिनांक 1.2.2002 को सेवा समाप्त की गई। प्रार्थी ने स्वयं अपनी इच्छा पर दिनांक 2.2.2002 तक कार्य किया था। वह स्कूल नहीं आता था। अप्रार्थी ने यह उल्लेख किया है कि स्वयं प्रार्थी दिनांक 9.5.2005 को स्कूल छोड़कर चला गया और इसके संबंध में अप्रार्थी नियोजक द्वारा दिनांक 10.5.2005 को प्रार्थी को एक पत्र इस आशय का जारी किया गया था कि वह वापस आ जाए तथा यदि उसने दिनांक 12.9.2005 तक ड्यूटी जोर्ड नहीं की तो उसकी सेवाएं समाप्त कर दी जायेगी। यह तथ्य भी गलत बताया है कि प्रार्थी इलेक्ट्रीशियन के रूप में कार्य करता था। अप्रार्थी ने यह उल्लेख किया है कि अप्रार्थी ने प्रार्थी की सेवा समाप्त नहीं की बल्कि प्रार्थी स्वयं अपनी इच्छा से स्कूल छोड़कर गया। प्रार्थी स्वयं स्कूल छोड़कर गया था और ऐसी स्थिति में औद्योगिक विवाद अधिनियम की धारा 25-एफ की पालना करने की कोई आवश्यकता नहीं थी। प्रार्थी को अपनी ड्यूटी पर उपस्थित होने के लिए सूचना-पत्र जारी किया गया था, लेकिन इसके उपरान्त भी प्रार्थी उपस्थित नहीं हुआ। इस तथ्य को भी गलत बताया है कि अप्रार्थी नियोजक ने श्री नैनाराम को नियुक्त की है। अप्रार्थी नियोजक ने श्री नैनाराम को नियुक्त नहीं दी है और इसके अलावा भी स्वयं प्रार्थी स्कूल छोड़कर गया। इस कारण उसे सेवा में पुनर्स्थापित करने के लिए कोई सूचना-पत्र देने की आवश्यकता नहीं थी। अप्रार्थी नियोजक ने प्रार्थी की सेवा समाप्त

नहीं की है। प्रार्थी ने तथाकथित सेवा समाप्ति के पूर्व के 12 महीनों में 240 दिन की सेवा नहीं की है। उक्त आधारों पर अप्रार्थी संस्थान ने प्रार्थी के मांग-पत्र को निरस्त करने की प्रार्थना की।

5. प्रार्थी ने अपने मांग-पत्र में उल्लेख किये गये तथ्यों की पुष्टि में स्वयं का शपथ-पत्र प्रस्तुत किया। प्रार्थी पी० डब्लू-1 श्री ओमप्रकाश से प्रतिपरीक्षा की गई। प्रलेखीय साक्ष्य में रेजिस्टर की फोटो प्रति प्रदर्श-1 तथा एक चैक की फोटो प्रति प्रदर्श-2 प्रस्तुत कर प्रदर्श करवाये गये। अप्रार्थी नियोजक की ओर से श्री शिवानाथन का शपथ-पत्र प्रस्तुत किया गया। डी० डब्लू-1 श्री शिवानाथन से प्रतिपरीक्षा की गई। प्रलेखीय साक्ष्य में सूचना-पत्र की प्रतिलिपि प्रदर्शण-1 को प्रस्तुत कर प्रदर्श करवाया गया।

7. बहस उभय-पक्ष सुनी गई। पत्रावली का अवलोकन किया गया। पत्रावली पर उपलब्ध साक्ष्य तथा विधि के परिप्रेक्ष्य में हमारा निष्कर्ष निम्नप्रकार है।

8. अप्रार्थी के साक्षी डी० डब्लू-1 श्री शिवानाथन ने अपनी प्रतिपरीक्षा में इस तथ्य को सही बताया है कि प्रार्थी को दिनांक 1.4.2001 को सर्वप्रथम दैनिक वेतन भोगी कर्मचारी के रूप में रखा था। इस तथ्य को भी सही बताया है कि उसने इस समय दिनांक 31.1.2002 तक कार्य किया था। इस साक्षी ने आगे यह उल्लेख किया है कि प्रार्थी को पुनः दिनांक 1.7.2004 को नौकरी पर रखा था। इस साक्षी ने आगे यह भी उल्लेख किया है कि प्रार्थी ने दिनांक 9.5.2005 को स्वेच्छा से काम पर आना बन्द कर दिया था। इस साक्षी ने अपनी प्रतिपरीक्षा में यह उल्लेख किया है कि उनकी स्कूल से जारी पत्र प्रदर्शण-1 प्रार्थी ओमप्रकाश पर तामील नहीं हुआ। प्रार्थी पी० डब्लू-1 श्री ओम प्रकाश ने अपनी प्रतिपरीक्षा में यह स्वीकार किया है कि उसकी सेवा दिनांक 9.5.2005 को अप्रार्थी संस्थान के प्रिंसीपल साहब ने समाप्त की थी।

9. विद्वान प्रतिनिधि अप्रार्थी का यह तर्क है कि अप्रार्थी नियोजक ने प्रार्थी की सेवा समाप्त नहीं की, लेकिन प्रार्थी स्वयं अपनी इच्छा से दिनांक 9.5.2005 से कार्य छोड़कर चला गया। प्रार्थी को इसके संबंध में दिनांक 10.5.2010 को नोटिस प्रदर्शण-1 भी दिया गया था। उस नोटिस में स्पष्ट रूप से यह उल्लेख किया गया है कि प्रार्थी दिनांक 9.5.2005 से कार्य से अनुपस्थित है। प्रार्थी को यह सूचित किया गया कि प्रार्थी दिनांक 12.5.2005 तक अपनी उपस्थिति देवे अन्यथा उसे सेवा से निष्कासित कर दिया जाएगा। विद्वान प्रतिनिधि अप्रार्थी का इन आधारों पर यह मानना है कि अप्रार्थी नियोजक ने प्रार्थी की सेवा समाप्त नहीं की बल्कि प्रार्थी स्वयं अपनी इच्छा से अपना कार्य छोड़कर गया था। इन आधारों पर विद्वान प्रतिनिधि अप्रार्थी का यह मानना है कि इस प्रकरण में औद्योगिक विवाद अधिनियम के प्रावधान लागू नहीं होते हैं।

10. उक्त तर्कों के विपरीत विद्वान प्रतिनिधि प्रार्थी का यह तर्क है कि स्वयं अप्रार्थी के साक्षी डी० डब्लू-1 श्री शिवानाथन ने अपनी प्रतिपरीक्षा में यह तथ्य स्वीकार किया है कि उनकी स्कूल से जारी पत्र प्रदर्शण-1 प्रार्थी को तामील नहीं हुआ। विद्वान प्रतिनिधि प्रार्थी का यह तर्क है कि अप्रार्थी नियोजक ने अपना बचाव तैयार करने के लिए यह पत्र प्रदर्शण-1 बाद में बनाया है। विद्वान प्रतिनिधि प्रार्थी का यह तर्क है कि उपलब्ध

साक्ष्य से यह तथ्य प्रमाणित है कि प्रार्थी ने दिनांक 1.7.2004 से 9.5.2005 तक निरन्तर कार्य किया है और अप्रार्थी संस्थान ने प्रार्थी को दिनांक 9.5.2005 को औद्योगिक विवाद अधिनियम की धारा 25-एफ के प्रावधानों की पालना किये बिना सेवा से पृथक कर दिया गया है।

11. हमने उक्त तर्कों पर उक्त साक्ष्य के परिप्रेक्ष्य में विचार किया। पत्र प्रदर्शण-1 अप्रार्थी संस्थान के दौरा दिनांक 10.5.2005 को जारी हुआ है और इसमें यह उल्लेख किया गया है कि 9.5.2005 से अपने कार्य से अनुपस्थिति है और प्रार्थी को दिनांक 12.5.2005 तक अपनी उपस्थिति देने की अपेक्षा की गई थी तथा उपस्थिति नहीं देने पर प्रार्थी को सेवा से निष्कासित करने की सूचना दी गई थी। अप्रार्थी के साक्षी-डी० डब्लू-1 श्री शिवानाथन अप्रार्थी स्कूल के स्वयं प्रिंसीपल हैं। इहोंने अपनी प्रतिपरीक्षा में स्पष्ट रूप से यह स्वीकार किया है कि पत्र प्रदर्शण-1 प्रार्थी ओमप्रकाश पर तामील नहीं हुआ। ऐसी स्थिति में हमारी राय है कि इस पत्र में उल्लेख किये गये तथ्यों को स्वीकार किया जाना उचित नहीं होगा। अप्रार्थी नियोजक ने यह तथ्य स्वीकार किया है कि प्रार्थी को दिनांक 1.7.2004 को नियुक्ति दी थी तथा प्रार्थी ने दिनांक 9.5.2005 तक कार्य किया था। हमारी राय में अप्रार्थी नियोजक ने प्रार्थी को दिनांक 9.5.2005 को सेवा से पृथक किया तथा प्रार्थी ने उसके पूर्व के 12 कलेण्डर माहों में 240 दिन से ज्यादा दिन अप्रार्थी के यहां कार्य किया अतः हमारी राय में प्रार्थी की औद्योगिक विवाद अधिनियम की धारा 25-बी के प्रावधानों के अनुसार नियमित सेवा प्रमाणित होती है। अप्रार्थी नियोजक ने प्रार्थी की सेवा समाप्ति के पूर्व औद्योगिक विवाद अधिनियम की धारा 25-एफ के प्रावधानों की पालना नहीं की है और ऐसी स्थिति में प्रार्थी की सेवा समाप्ति अनुचित तथा अवैध प्रमाणित होती है। प्रार्थी ने अपने मांग-पत्र में यह उल्लेख किया है कि उसकी सेवा समाप्ति के पश्चात् अप्रार्थी नियोजक ने श्री नेनाराम पुत्र सुरताराम माली को पम्प ड्राईवर के रूप में नियुक्त कर लिया है तथा इस नियुक्ति के पूर्व प्रार्थी को कोई नोटिस नहीं दिया। अप्रार्थी नियोजक ने अपने प्रत्युत्तर में इस तथ्य को अस्वीकार किया है, लेकिन अप्रार्थी के साक्षी डी० डब्लू-1 श्री शिवानाथन ने अपनी प्रतिपरीक्षा में यह उल्लेख किया है कि ओमप्रकाश के कार्य छोड़कर जाने के बाद उसने अलग-अलग व्यक्तियों को बुलाया था। इस साक्षी ने यह उल्लेख किया है कि किस-किस व्यक्ति को रखा है वह रिकोर्ड देखकर बता सकता है। इस साक्षी ने अपने कथर्नों में यह उल्लेख किया है कि उसने दूसरे व्यक्तियों को रखने के पूर्व प्रार्थी को कोई सूचना नहीं दी थी। ऐसी स्थिति में यह तथ्य प्रमाणित होता है कि अप्रार्थी नियोजक ने प्रार्थी की सेवा समाप्ति के पश्चात् प्रार्थी के पद पर किसी अन्य व्यक्ति को नियुक्ति प्रदान की तथा इसके पूर्व प्रार्थी को सेवा में पुनर्स्थापित करने के लिए कोई अवसर नहीं दिया और इस प्रकार औद्योगिक विवाद अधिनियम की धारा 25-एच के प्रावधानों का उल्लंघन भी प्रमाणित होता है।

12. अब हमें यह देखना है कि प्रार्थी क्या अनुतोष प्राप्त करने का अधिकारी है? बहस के दौरान विद्वान प्रतिनिधि अप्रार्थी ने यह जाहिर किया है कि अप्रार्थी नियोजक प्रार्थी को आज भी नौकरी पर रखने के लिए तैयार है। विद्वान प्रतिनिधि अप्रार्थी का केवल यह कहना है कि प्रार्थी को तथाकथित सेवा समाप्ति से सेवा में पुनर्स्थापित करने के मध्य की

अवधि का वेतन नहीं दिलाया जाए। विद्वान प्रतिनिधि प्रार्थी ने इसका विरोध किया।

13. हमने उक्त तर्कों पर पत्रावली पर उपलब्ध साक्ष्य के परिप्रेक्ष्य में विचार किया। प्रार्थी को प्रारम्भ में सन् 1991 में चौकीदार के पद पर लगाया गया था। प्रार्थी ने उस समय एक वर्ष तक कार्य किया था। उसके बाद प्रार्थी को दिनांक 1.4.2001 को नियुक्त किया, उस समय प्रार्थी ने दिनांक 31.1.2002 तक कार्य किया। इसके बाद प्रार्थी की दिनांक 1.2.2002 को सेवा समाप्त कर दी। इसके पश्चात् प्रार्थी को पुनः दिनांक 1.7.2004 को नियुक्ति दी थी। इस प्रकार प्रार्थी अप्रार्थी नियोजक के यहां लाखे समय से कार्य कर रहा है। अप्रार्थी नियोजक प्रार्थी के इस लाखे सेवाकाल में बार-बार ब्रेक देकर व्यवधान उपस्थित कर रहा था। अतः हमारी राय में प्रार्थी को सेवा में पुनर्स्थापित करने का आदेश दिया जाना समीचीन है। प्रार्थी स्वयं ने अपनी प्रतिपरीक्षा में यह तथ्य स्वीकार किया है कि वह वर्तमान में नरेगा में अपने परिवार सहित कार्य कर रहा है। ऐसी स्थिति में प्रार्थी को उसकी सेवा समाप्ति की दिनांक से सेवा में पुनर्स्थापित करने की तिथि तक उसके वेतन की 25 प्रतिशत राशि पूर्वभूति के रूप में दिलाया जाना समीचीन है।

आदेश

14. अतः यह अधिनिर्णय किया जाता है कि:—

(1) प्रार्थी ओमप्रकाश पुत्र किशनाराम को अप्रार्थी नियोजक प्रिंसीपल नवादय व्यायालय, तिलावासनी, जिला जोधपुर द्वारा दिनांक 9.5.2005 से सेवासुकृत किया जाना उचित तथा वैध नहीं है।

(2) अप्रार्थी नियोजक प्रार्थी को तुरन्त सेवा में पुनर्स्थापित करे। प्रार्थी की सेवाएं निरन्तर मानी जायेगी।

(3) प्रार्थी सेवा समाप्ति की तिथि दिनांक 9.5.2005 से सेवा में पुनर्स्थापित किये जाने तक की अवधि के वेतन की 25 प्रतिशत राशि पूर्वभूति के रूप में अप्रार्थी नियोजक से प्राप्त करने का अधिकारी है। यदि प्रार्थी को इस अधिनिर्णय के पारित होने की तिथि से दो माह की अवधि में सेवा में पुनर्स्थापित नहीं किया जाता है तो प्रार्थी इसके पश्चात् उसकी सेवा समाप्ति की दिनांक को देय पूरा वेतन प्राप्त करने का अधिकारी होगा।

15. इस अधिनिर्णय को प्रकाशनार्थ भारत सरकार के श्रम मंत्रालय को प्रेषित किया जावे।

16. यह अधिनिर्णय मेरे द्वारा लिपिबद्ध करवाया जाकर आज दिनांक 30.5.2011 को खुले न्यायालय में हस्ताक्षर कर उद्घोषित किया गया।

एच.आर. नागौरी, न्यायाधीश

नई दिल्ली, 23 जनवरी, 2012

का०आ० 759.—ौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार 57, एफएमसीडी द्वारा 56 APO, जोधपुर के प्रबंध तंत्र के संबद्ध नियोजकों

और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण जोधपुर के पंचाट (संदर्भ संख्या 02/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/01/2012 को प्राप्त हुआ था।

[सं० एल-14012/11/2009-आई आर (डी यू)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd January, 2012

S.O.759.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 02/2010) of the Industrial Tribunal-cum-Labour Court, Jodhpur as shown in the Annexure, in the Industrial Dispute between The 57, FMCD through 56 APO Jodhpur and their workman, which was received by the Central Government on 23/01/2012.

[No. L-14012/11/2009-IR(DU)]
RAMESH SINGH, Desk Officer
अनुबंध

औद्योगिक विवाद अधिकारण एवं श्रम न्यायालय, जोधपुर।

पीड़ित अधिकारी:- श्री एच.आर. नागौरी, आरएचजे-एस औद्योगिक विवाद (केन्द्रीय) संख्या:- 02 सन् 2010

श्री रामचन्द्र पुत्र श्री मोहनलाल जरिये राजस्थान ट्रेड यूनियन केन्द्र सुरतसिंह जी की कोठी बाट गोदाम के ऊपर सोजती गेट के बाहर, जोधपुर।

.....प्रार्थी

बनाम

57 एफएमसीडी, 57 एफएमएस्कॉडी मार्फत 56 एपीओ मिल्ट्री हॉस्पिटल के पास, उम्मेद भवन रोड, जोधपुर।

.....अप्रार्थी

उपस्थिति:—

(1) प्रार्थी के प्रतिनिधि—श्री विजय मेहता उपस्थित।

(2) अप्रार्थीगण के प्रतिनिधि श्री मधुसूदन व्यास उपस्थित।

अधिनिर्णय

दिनांक:- 20.09.2011

1. भारत सरकार के श्रम मंत्रालय ने अपनी अधिसूचना क्रमांक एल० 14012/11/2009-आई आर० (डी यू०) नई दिल्ली दिनांक 23.7.2009 के द्वारा निम्न विवाद अधिनिर्णय हेतु इस न्यायालय को प्रेषित किया गया है:—

"Whether the action of the management of 57 FMSD C/o 56 APO in terminating the services of Shri Ramchandra w.e.f. 28/10/2006 is legal and justified? If not, what relief the workman is entitled to?

2. प्रार्थी ने अपने मांग-पत्र में यह उल्लेख किया है कि अप्रार्थी ने मजदूर के पद पर नियुक्ति देने के लिए नियोजन कार्यालय से मजदूरों के नाम मंगवाये थे। नियोजन कार्यालय द्वारा प्रेषित मजदूरों के नामों पर विधिवत् विचार तथा मनन करने के पश्चात् अप्रार्थी ने प्रार्थी का मजदूर के पद पर नियुक्ति हेतु चयन किया तथा प्रार्थी को 750/- रुपये प्रतिमाह वेतन, महंगाई भत्ता तथा अन्य भत्तों पर दिनांक 18.7.1994 के आदेश के द्वारा नियुक्त किया। कार्यभार ग्रहण करने के पूर्व प्रार्थी का पुलिस वेरीफिकेशन तथा मिलट्री हॉस्पीटल में मेडिकल भी करवाया गया। प्रार्थी ने यह उल्लेख किया है कि इसके पश्चात् अप्रार्थी नियोजक ने प्रार्थी को दिनांक 18.7.1995 को सेवा से पृथक कर दिया। इस आदेश को प्रार्थी ने केन्द्रीय प्रशासनिक अधिकरण, जोधपुर में चुनीती दी। अधिकरण ने प्रार्थी के प्रार्थना-पत्र को निरस्त कर दिया। इस पर प्रार्थी ने इसे माननीय राजस्थान उच्च न्यायालय में चुनीती दी। माननीय राजस्थान उच्च न्यायालयने आदेश दिनांक 12.1.2002 के द्वारा यह निर्णित किया कि अप्रार्थी ने प्रार्थी को कृत्रिम ब्रेक की नजरअंदाज करते हुए यह माना कि प्रार्थी ने अंप्रार्थी नियोजक के यहां 240 दिन की सेवा पूर्ण कर ली थी। इस प्रकार प्रार्थी की सेवापृथकता को गैर कानूनी मानते हुए यह स्पष्ट किया कि इन परिस्थितियों में यह माना जायेगा कि प्रार्थी को कभी भी सेवा से पृथक नहीं किया गया। माननीय राजस्थान उच्च न्यायालय ने प्रार्थी की सेवापृथकता को निरस्त करते हुए प्रार्थी को उसकी सेवा की निरन्तरता में बकाया वेतन सहित दिनांक 31.3.2001 तक सेवा में पुनर्स्थापित होने का आदेश दिया। अप्रार्थी नियोजक ने माननीय राजस्थान उच्च न्यायालय के आदेश को माननीय सर्वोच्च न्यायालय में चुनीती दी। सर्वोच्च न्यायालय ने दिनांक 6.10.2004 के आदेश के द्वारा प्रार्थी की अपील निरस्त करते हुए प्रार्थी को दैनिक वेतन भोगी माना।

3. प्रार्थी ने अपने मांग-पत्र में आगे यह उल्लेख किया है कि इसके पश्चात् अप्रार्थी नियोजक ने अपने आदेश दिनांक 1.11.2004 के द्वारा प्रार्थी को सेवा में पुनर्स्थापित किया। प्रार्थी ने दिनांक 4.11.2004 को कार्यभार ग्रहण किया। अप्रार्थी नियोजक ने माननीय उच्च न्यायालय के ओब्जर्वेशन के बावजूद प्रार्थी को उसके सेवा में कृत्रिक ब्रेक देने का क्रम जारी रखा और इस प्रकार कृत्रिम ब्रेक देने का क्रम जारी रखते हुए अप्रार्थी नियोजक ने प्रार्थी को दिनांक 28.10.2006 को सेवा से पृथक कर दिया। प्रार्थी ने यह उल्लेख किया है कि उसने उसकी सेवापृथकता के पूर्व के एक वर्ष में 240 दिन तक कार्य कर लिया था। माननीय राजस्थान उच्च न्यायालय ने भी यह स्पष्ट घोषित किया कि प्रार्थी ने 240 दिन कार्य कर लिया है। प्रार्थी ने यह उल्लेख किया कि श्रमिक के सेवाकाल में एक बार एक वर्ष में 240 दिन की सेवा पूरी करना आवश्यक है। प्रत्येक वर्ष 240 दिन कार्य करना आवश्यक नहीं है। माननीय राजस्थान उच्च न्यायालय ने प्रार्थी को उसकी सेवापृथकता से सेवा में पुनर्स्थापित करने की अवधि को निरन्तर सेवा माना है। प्रार्थी ने प्रति वर्ष 240 दिन की सेवा पूरी कर ली थी। प्रार्थी ने सेवापृथकता के पूर्व 240 दिनों से अधिक दिनों तक कार्य कर लिया था। प्रार्थी को उसकी सेवा पृथकता के पूर्व न तो एक माह का नोटिस दिया गया और न ही छंटनी का मुआवजा दिया गया। प्रार्थी की सेवापृथकता के पूर्व नियमानुसार वरियता सूची भी प्रकाशित नहीं की गई। केन्द्रीय सरकार को इसकी सूचना नहीं दी गई और न ही

छंटनी किये जाने की अनुमति प्राप्त की गई। अप्रार्थी के अधीन सौ से अधिक श्रमिक तथा कर्मचारी हैं। प्रार्थी कनिष्ठतम् श्रमिक नहीं था। प्रार्थी से कनिष्ठ श्रमिकों को नियोजित रखा गया। प्रार्थी की सेवापृथकता के पश्चात् नई नियुक्तियां दी गई, लेकिन प्रार्थी को ऑफर नहीं दी गई। प्रार्थी ने यह उल्लेख किया है कि इस प्रकार उसकी सेवापृथकता औद्योगिक विवाद अधिनियम की धारा 25-एफ, 25-जी, 25-एच तथा एन तथा नियम-77 तथा 78 के प्रतिकूल है।

4. प्रार्थी ने अपने मांग-पत्र में यह उल्लेख किया है कि उसकी सेवापृथकता के पश्चात् प्रार्थी ने अपने को सेवा में पुनर्स्थापित करने के लिए अप्रार्थी से कई बार निवेदन किया, लेकिन आश्वासन के उपरान्त भी अप्रार्थी ने प्रार्थी को सेवा में पुनर्स्थापित नहीं किया। उक्त आधारों पर प्रार्थी ने यह प्रार्थना की है कि उसकी सेवापृथकता को निरस्त कर उसे उसकी सेवा की निरन्तरता में सम्पूर्ण वेतन सहित सेवा में पुनर्स्थापित किया जावे। देय वेतन पर 18 प्रतिशत वार्षिक की दर से व्याज भी दिलाया जावे।

5. अप्रार्थी ने अपने प्रत्युत्तर में यह उल्लेख किया है कि प्रार्थी को मात्र दैनिक वेतन भोगी श्रमिक के रूप में जरिये आदेश डब्ल्यूई५०४३/१९४६/८ द्वारा मात्र 89 दिनों के लिए अस्थाई रूप से लगाया गया था। प्रार्थी की सेवाएं मात्र अस्थाई आधार पर आवश्यकता अनुसार समय-समय पर दैनिक वेतन भोगी श्रमिक के रूप में दिनांक 18.7.1994 से 18.7.1995 के बीच प्राप्त की गई थी। अप्रार्थी ने प्रार्थी द्वारा केन्द्रीय प्रशासनिक अधिकरण में कार्यवाही किया जाना तथा माननीय राजस्थान उच्च न्यायालय द्वारा आदेश दिनांक 12.1.2001 पारित होने का तथ्य स्वीकार किया है। माननीय सर्वोच्च न्यायालय द्वारा आदेश दिनांक 6.10.2004 पारित होना भी स्वीकार किया है। अप्रार्थी ने यह उल्लेख किया है कि प्रार्थी ने माननीय उच्च न्यायालय के समक्ष कन्टेन्ट पिटीशन पूर्व आदेश दिनांक 12.1.2001 के सम्बन्ध में प्रस्तुत की थी जो पिटीशन दिनांक 24.2.2006 को निरस्त की जाने पर सर्वोच्च न्यायालय के सम्मुख प्रस्तुत एस.एल.पी. दिनांक 19.3.2007 के द्वारा निरस्त की गई।

6. अप्रार्थी ने यह उल्लेख किया है कि अप्रार्थी विभाग कार्य की आवश्यकता के अनुसार थोड़े समय अवधि के लिए दैनिक वेतन भोगी की नियुक्ति करने हेतु सक्षम है। कमान अधिकारी को निर्देशित किया गया कि 89 दिन से अधिक किसी भी श्रमिक को नियुक्त नहीं किया जावे और इसलिये पद में कृत्रिम ब्रेक देने सम्बन्धी तथ्य असत्य होने से अस्वीकार है। अस्थाई आवश्यकता की मांग के अनसार समय-समय पर भिन्न-भिन्न आदेशों के जरिये दैनिक वेतन भोगी के रूप में श्रमिक की सेवाएं प्राप्त की गई। नियमानुसार 89 दिन उपरान्त सेवाएं समाप्त की जाती रही। प्रार्थी के नियुक्ति-पत्र में स्पष्ट रूप से अंकित किया जाता रहा कि उसकी सेवाएं बिना किसी अग्रिम नोटिस के समाप्त की जाती रही। अप्रार्थी विभाग में विभागीय आदेशानुसार अधिकतम मात्र 9 श्रमिकों की अस्थाई सेवाएं ली जा सकती हैं एवं इसी अनुरूप सेवाएं ली जाती रही हैं। इस प्रकार करण में कोई नोटिस अधिकारी छंटनी मुआवजा देने की आवश्यकता नहीं है। वरियता सूची के प्रकाशन की अनुमति के प्रावधान लागू नहीं होते हैं। प्रार्थी श्रमिक को अस्थाई श्रमिकों के समानान्तर नहीं माना जा

सकता। अप्रार्थी संस्थान में अस्थाई आवश्यकता अनुसार कार्यभार महसूस होने पर प्रार्थी की सेवाएँ दैनिक वेतन भोगी के रूप में प्राप्त की गई। प्रार्थी की अस्थाई नियुक्ति विशुद्ध रूप से कार्य के आधार पर निर्भर करती है। प्रार्थी स्वयं का सिलाई का व्यवसाय करता है। प्रार्थी विशेष रूप से रक्षा श्रमियों की वेशभूषा के कार्य में दक्ष होने के कारण उपरोक्त व्यवसाय में जुटा हुआ है। उक्त आधारों पर अप्रार्थी ने प्रार्थी के मौग-पत्र को निरस्त करने की प्रार्थना की।

7. प्रार्थी ने अपने मौग-पत्र में उल्लेख किये गए तथ्यों की पुष्टि में स्वयं का शपथ-पत्र प्रस्तुत किया। प्रार्थी पी.डब्ल्यू-1 श्री रामचन्द्र से प्रतिपरीक्षा की गई। प्रलेखीय साक्ष्य में नियोजन सेवा निदेशालय से प्राप्त पत्र प्रदर्श-1, प्रमाण-पत्र प्रदर्श-2, नियुक्ति-पत्र प्रदर्श-3, नियुक्ति-पत्र प्रदर्श-4, माननीय राजस्थान उच्च न्यायालय का निर्णय दिनांक 12.1.2001 प्रदर्श-5 तथा माननीय सर्वोच्च न्यायालय का आदेश दिनांक 6 अक्टूबर 2004 प्रदर्श-6 को पेश कर प्रदर्श करवाये गये। अप्रार्थी की ओर से कर्नल प्रशान्त राजोरिया का शपथ-पत्र प्रस्तुत किया गया। डी.डब्ल्यू-1 श्री प्रशान्त राजोरिया से प्रतिपरीक्षा की गई। प्रलेखीय साक्ष्य में नोट प्रदर्श-1, पत्र प्रदर्श-2, सेवापुक्ति आदेश प्रदर्श-3, सेवापुक्ति आदेश प्रदर्श-4, नियुक्ति आदेश प्रदर्श-5, नियुक्ति आदेश प्रदर्श-6, नियुक्ति आदेश प्रदर्श-7, प्रमाण-पत्र प्रदर्श-8 तथा माननीय उच्चतम न्यायालय का आदेश दिनांक 19.3.2007 प्रदर्श-9, को पेश कर प्रदर्श करवाया गया।

8. बहस उभय-पक्ष सुनी गई। पत्रावली का अवलोकन किया गया। पत्रावली पर उपलब्ध साक्ष्य तथा विधि के परिवेक्ष्य में हमारा निष्कर्ष निम्नप्रकार है।

9. यह स्वीकृत तथ्य है कि प्रारम्भ में प्रार्थी को अप्रार्थी संस्थान ने अपने आदेश दिनांक 18.7.1994 के द्वारा मजदूर के पद पर नियुक्त किया था। इसके बाद प्रार्थी को 89 कार्यदिवसों के पश्चात् एक अथवा दो दिन के बनावटी अथवा काल्पनिक ब्रेक देकर प्रार्थी को नई नियुक्ति दी गई। अप्रार्थी संस्थान द्वारा ऐसा कई बार किया और अन्त में अप्रार्थी संस्थान ने प्रार्थी की दिनांक 18.7.1995 को सेवां समाप्त कर दी। इसके विरुद्ध प्रार्थी ने केन्द्रीय प्रशासनिक अधिकरण, जोधपुर में प्रार्थना-पत्र प्रस्तुत किया। उस प्रार्थना-पत्र को केन्द्रीय प्रशासनिक अधिकरण ने अपने आदेश दिनांक 28.4.2000 के द्वारा निरस्त कर दिया। प्रार्थी ने इस आदेश के विरुद्ध माननीय राजस्थान उच्च न्यायालय, जोधपुर में रिट याचिका प्रस्तुत की। माननीय राजस्थान उच्च न्यायालय ने अपने आदेश दिनांक 12.1.2001 प्रदर्श-5 के द्वारा प्रार्थी की रिट याचिका स्वीकार की तथा निम्न आदेश पारित किया:—

"In view of the above discussion, both these petitions are allowed, the original applications of the petitioners are granted, it is declared that their last termination orders were bad in law and illegal and their services were never terminated and they shall be treated as continuous in service and they shall be entitled to all the consequential benefits of the services. It is also declared that they shall be treated as appointed on the post having fixed pay scale of

Rs. 750/- plus usual allowances. The respondents shall reinstate the petitioners by 31.3.2001 and pay all the arrears by that time."

माननीय उच्च न्यायालय ने अपने इस निर्णय में निम्न निष्कर्ष भी निकाले—

"The above facts make it very clear that all throughout both the petitioners were given artificial break for a day or two in their services. It is clear that they had completed 240 working days in a calendar year when their services were terminated last without following the provisions of Sectin 25-F and 25-G of the Industrial Disputes Act."

10. उक्त आदेश में माननीय राजस्थान उच्च न्यायालय ने सभी तथ्यों पर विचार करने के पश्चात् निम्न निष्कर्ष भी निकाले:—

"From the above mentioned facts, three things are very much clear:—

1. that both the petitioners were duly selected and appointed after their medical examination was done on a fixed salary of Rs. 750/- per month with usual allowances.
2. Unilaterally, the respondents took the decision and changes the terms and conditions of their appointment and ordered that the petitioners shall be paid only Rs. 35/- per day as wages.
3. Right from the day one of the joining of their services, they have continuously worked for more than 240 days or two by way of artificial breaks in their services.

From the order, it looks that their appointments were for a fixed period of 89 days but from the facts narrated herein above, it is clear that they were in continuous service except by way of artificial breaks. It was not expected from the Union of India to act in this manner."

माननीय राजस्थान उच्च न्यायालय ने निम्न ऑफर्वेशन का भी उल्लेख किया है:—

"We have noticed that this is a general tendency growing in the State and Union of Keeping poor labours and then terminating their services after taking work from them only because, they do not want to extend the legitimate benefits of services to them."

11. अप्रार्थी ने अपने प्रत्युत्तर में यह उल्लेख किया है कि प्रार्थी को 89 दिनों के लिए अस्थाई रूप से लगाया गया था। अप्रार्थी ने मौग-पत्र के प्रत्युत्तर में यह उल्लेख किया है कि अप्रार्थी संस्थान कार्य की आवश्यकता के अनुरूप थोड़ी समय अवधि के लिए दैनिक वेतन भोगी श्रमिकों की नियुक्ति करने हेतु सक्षम है। अप्रार्थी ने यह उल्लेख किया है कि अप्रार्थी के कमान अधिकारी को यह निर्देशित किया गया है कि उसके द्वारा 89 दिवसों से अधिक किसी भी श्रमिक को नियुक्त नहीं किया जावे। अप्रार्थी

ने यह उल्लेख किया है कि अस्थाई आवश्यकता की मौग के अनुसार समय-समय पर भिन-भिन आदेशों के जरिये दैनिक वेतन भोगी के रूप में श्रमिक की सेवाएं प्राप्त की गई थी तथा नियमानुसार 89 दिवस उपरान्त सेवाएं समाप्त की जाती रही। यह भी उल्लेख किया है कि श्रमिक को दिये गये नियुक्ति-पत्र में स्पष्ट रूप से यह उल्लेख किया जाता रहा है कि उसकी सेवाएं बिना किसी अग्रिम नोटिस के समाप्त की जायेगी। अप्रार्थी संस्थान के साक्षी डीडब्ल्यू-1 कर्नल श्री प्रशांत राजोरिया ने अपनी प्रतिपरीक्षा में यह उल्लेख किया है कि उनके यहां नियुक्ति 89 दिन के लिए ही दी जाती थी। इस साक्षी ने कहा है कि 89 दिन की नियुक्ति देने का प्रावधान है तथा उसके आगे ब्रेक देकर फिर श्रमिक को रखा जाता था। इस साक्षी ने यह तथ्य स्वीकार किया है कि प्रार्थी को भी 89 दिन के लिए रखा फिर ब्रेक दिया फिर 89 दिन के लिए रखा और इसी प्रकार उसे रखा गया। इस साक्षी ने कहा है कि वह यह नहीं बता सकता कि प्रार्थी ने ब्रेक सहित कुल कितने दिन काम कर लिया।

12. उक्त तथ्यों तथा उक्त साक्ष्य पर विचार करने के पश्चात् हमें एक निश्चित निष्कर्ष पर पहुँचना है। प्रार्थी को पूर्व में भी सेवा से पृथक किया गया है। उसके लिए प्रार्थी को लम्बी कानूनी लड़ाई लड़नी पड़ी थी तथा लम्बी कानूनी लड़ाई के पश्चात् उसे अप्रार्थी संस्थान ने पुनः 1.9.2004 को नियुक्ति दी थी, लेकिन दुर्भाग्य से अप्रार्थी संस्थान ने अपना रवैया नहीं छोड़ा और उसे उसी प्रकार 89 दिन की नियुक्ति देते रहे तथा बीच-बीच में वही बनावटी तथा काल्पनिक ब्रेक देते रहे। माननीय राजस्थान उच्च न्यायालय ने अपने उक्त आदेश प्रदर्श-5 में अप्रार्थी संस्थान की इस पद्धति के बारे में स्पष्ट रूप से यह उल्लेख किया था कि अप्रार्थी भारत सरकार से ऐसी कार्य पद्धति की अपेक्षा नहीं की जा सकती है। माननीय उच्चतम न्यायालय ने भी इस आदेश के विरुद्ध प्रस्तुत अपील में पारित आदेश प्रदर्श-6 के द्वारा माननीय राजस्थान उच्च न्यायालय के इस आदेश की कुछ संशोधनों के साथ पुष्टि की थी। हमारी राय है कि माननीय राजस्थान उच्च न्यायालय तथा माननीय उच्चतम न्यायालय के आदेशों के उपरान्त भी अप्रार्थी संस्थान का यह आचरण उक्त आदेशों की अवमानना की श्रेणी में आता है। इस आचरण की जितनी भी भर्त्सना की जाए उतनी कम है।

13. माननीय राजस्थान उच्च न्यायालय ने उक्त आदेश प्रदर्श-5 में यह माना था कि जब से प्रार्थी को नियुक्ति दी गई है तब से प्रार्थी ने 240 दिनों से ज्यादा दिन तक निरन्तर कार्य किया है। यह भी माना है कि जिस क्लेण्डर वर्ष में प्रार्थी की सेवाएं समाप्त की गई उस वर्ष में प्रार्थी ने 240 दिन से ज्यादा दिन कार्य किया था तथा उसकी सेवाएं औद्योगिक विवाद अधिनियम की धारा 25-एफ तथा 25-जी के प्रावधानों की पालन किये बिना समाप्त की गई थी। हमारे समक्ष इस प्रकरण में भी अप्रार्थी ने मौग-पत्र के प्रत्युत्तर में इस तथ्य का खण्डन नहीं किया है कि प्रार्थी ने प्रतिवर्ष 240 दिन की सेवा पूर्ण कर ली है। अप्रार्थी ने मौग-पत्र के प्रत्युत्तर में इस तथ्य का भी खण्डन नहीं किया है कि प्रार्थी ने उरकी सेवापृथकता के पूर्व के 12 क्लेण्डर माहों में 240 दिनों से अधिक दिनों तक कार्य किया था। अप्रार्थी ने मौग-पत्र के प्रत्युत्तर में प्रार्थी के कार्यदिवसों के सम्बन्ध में कोई तथ्य उल्लेख नहीं किया है। अप्रार्थी संस्थान ने अपनी साक्ष्य में प्रार्थी की दिनांक 1.11.2004 से

28.10.2006 की अवधि के सेवाकाल के सम्बन्ध में प्रार्थी का उपस्थिति विवरण प्रस्तुत नहीं किया है। अप्रार्थी संस्थान ने प्रार्थी की उक्त सेवा अवधि के सम्बन्ध में न तो कोई नियुक्ति-पत्र प्रस्तुत किया है और न ही कोई सेवामुक्ति आदेश प्रस्तुत किया है।

14. अतः साक्ष्य के अभाव में तथा अप्रार्थी संस्थान द्वारा मौग-पत्र के प्रत्युत्तर में किसी विशिष्ट खण्डन के अभाव में यह प्रमाणित होता है कि प्रार्थी ने उसकी उक्त सेवा के दौरान प्रत्येक क्लेण्डर वर्ष में तथा उसकी सेवा समाप्ति के पूर्व के 12 क्लेण्डर माहों में 240 दिन कार्य किया है। यदि अप्रार्थी ने इस अवधि में कोई ब्रेक दिये हैं तो हमारी राय है कि ऐसे ब्रेक बनावटी तथा काल्पनिक ही माने जायें। हमारी राय में प्रार्थी की औद्योगिक विवाद अधिनियम की धारा 25-जी के प्रावधानों के अनुसार निरन्तर सेवा प्रमाणित होती है। पत्रावली पर यह साक्ष्य नहीं है कि अप्रार्थी संस्थान ने प्रार्थी की सेवा समाप्ति के पूर्व प्रार्थी को एक माह का नोटिस अधिकारी नोटिस वेतन तथा मुआवजा राशि का भुगतान किया। इस विवेचन के परिप्रेक्ष्य में हमारी यह राय है कि अप्रार्थी संस्थान ने प्रार्थी की सेवा समाप्ति के पूर्व औद्योगिक विवाद अधिनियम की धारा 25-एफ तथा 25-जी की पालन नहीं की है और ऐसी स्थिति में प्रार्थी की सेवा समाप्ति अवैध तथा अनुचित प्रमाणित होती है।

15. अब हमें यह देखना है कि प्रार्थी क्या अनुतोष प्राप्त करने का अधिकारी है? हमारी राय में प्रार्थी सेवा में पुनर्स्थापित किये जाने योग्य है। प्रार्थी की सेवाएं उसकी सेवा समाप्ति की तिथि से उसे सेवा में पुनर्स्थापित होने की दिनांक तक निरन्तर माने जाने योग्य हैं। पत्रावली पर यह साक्ष्य है कि प्रार्थी ने अपने इस बेरोजगारी के समय में कपड़े आदि सिलाई का व्यवसाय किया है। अतः समस्त परिस्थितियों पर सावधानीपूर्वक विचार करने के पश्चात् हमारी राय में प्रार्थी उसकी सेवा समाप्ति की तिथि से सेवा में पुनर्स्थापित होने तक की अवधि के वेतन की 50 प्रतिशत राशि पूर्वभूति के रूप में प्राप्त करने का अधिकारी है।

आदेश

15. अतः यह अधिनिर्णित किया जाता है कि:—

(1) अप्रार्थी नियोजक 57 एफएमएसडी मार्फत 56 एपीओ के प्रबन्धन द्वारा प्रार्थी श्री रामचन्द्र पुत्र श्री मोहनलाल की सेवा दिनांक 28.10.2006 से समाप्त किये जाने की कार्यवाही अवैध तथा अनुचित है।

(2) अप्रार्थी नियोजक प्रार्थी श्री रामचन्द्र पुत्र श्री मोहनलाल को तुरन्त सेवा में पुरर्स्थापित करें। प्रार्थी की सेवाएं उसकी सेवा समाप्ति की तिथि से सेवा में पुनर्स्थापित होने तक निरन्तर मानी जायें।

(3) प्रार्थी उसकी सेवा समाप्ति की तिथि से सेवा में पुनर्स्थापित होने तक की अवधि के वेतन की 50 प्रतिशत राशि पूर्वभूति के रूप में अप्रार्थी नियोजक से प्राप्त करने की अधिकारी है।

16. इस अधिनिर्णय को प्रकाशनार्थ राज्य शासन को प्रेषित किया जावे।

17. यह अधिनिर्णय मेरे द्वारा लिपिबद्ध करवाया जाकर आज दिनांक 20.09.2011 को खुले न्यायालय में हस्ताक्षर कर उद्घोषित किया गया।

एच० आर० नागौरी, न्यायाधीश
औद्योगिक विवाद अधिकरण एवं
श्रम न्यायालय, जोधपुर।

नई दिल्ली, 23 जनवरी, 2012

का०आ० 760.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दी पोस्ट मास्टर जनरल, अजमेर प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 4/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.1.2012 को प्राप्त हुआ था।

[सं. एल-40011/24/1994 आईआर(डीयू)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd January, 2012

S.O. 760.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 04/1996) of the Industrial Tribunal cum Labour Court Jaipur as shown in the Annexure, in the Industrial dispute between The Post Master General Ajmer and their workman, which was received by the Central Government on 23.1.2012.

[No. L-40011/24/1994-IR(DU)]

RAMESH SINGH, Desk Officer
अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 4/96

रैफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश
क्र. एल.-40011/24/94 आई.आर. (डी.यू.) दि. 27.12.95

श्री राधा किशन पुत्र श्री मांगू जी हरिजन,
मार्फत अखिल भारतीय सफाई मजदूर,
कांग्रेस, अजमेर।

—प्रार्थी

बनाम

पोस्ट मास्टर जनरल, राजस्थान (पूर्व) रीजन, अजमेर।

—अप्रार्थी

उपस्थित

पीठासीन अधिकारी : श्री सतीश कुमार शर्मा

प्रार्थी की ओर से: श्री जे.एल. शाह

अप्रार्थी की ओर से: श्री तेज प्रकाश शर्मा

दिनांक अवार्ड: 16.9.2011

अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय नई दिल्ली ने उपरोक्त आदेश के जरिये निम्न विवाद औद्योगिक विवाद अधिनियम, 1948 की धारा 10 की उपधारा (1) के अन्तर्गत इस न्यायाधिकरण को अंधिनिर्णय हेतु निर्देशित किया है:

"Whether the action of the management of through Post Master General Raj-Eastern Region in terminating the services of Shri Radha Kishan from 21.1.94 is legal and justified? If not, what relief the concerned workman is entitled?"

2. प्रार्थी श्रमिक की ओर से इस आशय का स्टेटमेंट ऑफ क्लेम पेश किया गया कि दिनांक 4.5.93 की उसकी विपक्षी कार्यालय में चौकीदार के पद पर नियुक्त हुई। उसका कार्य स्थाई प्रकृति का था। उसने विपक्षी संस्थान में 240 दिन पूरे कर लिये थे। उसने जब स्थाई करने की मांग की तो उसे दिनांक 21.1.94 को सेवा मुक्त कर दिया और इयूटी पर उपस्थित होने के बावजूद वापस सेवा में नहीं लिया जबकि वह कार्य अभी भी चल रहा है। उसे एक माह का नोटिस नहीं दिया, छंटनी का मुआवजा भी नहीं दिया, अतः प्रार्थी की सेवा मुक्ति को अनुचित व अवैध घोषित किया जाये और सभी लाभ परिलाभ सहित उसे सेवा में बहाल किया जाये।

3. विपक्षी ने अपने जबाब में कहा कि प्रार्थी को कनटिन्यैट चौकीदार के पद पर कुछ समय के लिए इस शर्त के साथ नियुक्त दी गई थी कि विभाग में नियमित होने के लिए उसका कोई दावा नहीं रहेगा। विपक्षी संस्थान "उद्योग" की परिभाषा में नहीं आता है, यह पद समाप्त किया जा चुका है। उसने 240 दिन काम भी नहीं किया है। उसे सेवा मुक्त नहीं किया गया है बल्कि 28.1.94 को यह पद समाप्त होने के साथ ही उसकी कार्य मुक्ति हुई है। वह स्थाई होने या अन्य लाभ प्राप्त करने का अधिकारी नहीं है। क्लेम खारिज होने योग्य है।

4. साक्ष्य में प्रार्थी राधाकिशन ने स्वयं के बयान कराये। विपक्षी की ओर से भंवर लाल भास्मी के बयान हुए।

5. हमने दोनों पक्षों की बहस सुनी, पत्रावली का अवलोकन किया।

6. विद्वान प्रतिनिधि प्रार्थी की दलीलें हैं कि राजपत्रित अवकाश व राष्ट्रीय पर्वों को मिलाकर प्रार्थी ने 240 दिन से अधिक नौकरी कर ली है। कंटिन्यैट एम्प्लाई को भी 240 दिन पूरे किये जाने पर हटाने से पहले नोटिस व छंटनी का मुआवजा देना आवश्यक है। क्लेम स्वीकार करने योग्य है। अपने समर्थन में प्रतिनिधि प्रार्थी ने न्याय दृष्ट्यान्त (1) 1981 ।

एल.एल.जे. (एस.सी.) 386 सुरेन्द्र कुमार वर्मा व अन्य बनाम सी.जे. आई.टी. (1) 1981 II एल.एल.जे. (एस.सी.) 70 मोहन लाल बनाम भारत इलैक्ट्रोनिक्स लि. व (3) 1986 I एल.एल.जे. (एस.सी.) 127 एच.डी.सिंह. बनाम रिजर्व बैंक ऑफ इण्डिया पेश किये।

7. दूसरी ओर विपक्षीगण के विद्वान प्रतिनिधि की दलीलें हैं कि प्रार्थी को सिर्फ तीन माह के लिए नियुक्ति दी गई है, पूरे एक वर्ष के लिये भी नियुक्ति नहीं दी गई है। यह पद नौ महीने से कम अवधि में ही समाप्त हो चुका है। प्रार्थी को सेवा में नहीं रखा है। विपक्षी विभाग 'उद्योग' की श्रेणी में नहीं आता। कलेम खारिज होने योग्य है। अपने समर्थन में विद्वान प्रतिनिधि ने न्याय निर्णय (1) 2001 (1) डब्ल्यू.एल.सी. 593 राम गोपाल सैनी बनाम जज, लेबर कोर्ट नं. 2 जयपुर, (2) (1997) 4 एस.सी.सी. 391 हिमांशु कुमार विद्यार्थी बनाम बिहार राज्य व अन्य (3) (1996) 10 एस.सी.सी. 597 इलाहबाद बैंक बनाम प्रेम सिंह पेश किये।

8. हमने दोनों पक्षों की दलीलें पर विचार किया, प्रस्तुत न्याय दृष्टांतों का सम्पादन अवलोकन किया।

9. प्रार्थी के नियुक्ति आदेश प्रदर्श एम-1 के अवलोकन से स्पष्ट है कि उसे एक्स सर्विस मैन के रूप में कंटिनैट पेड चैकीदार के पद पर तीन माह के लिए अस्थाई तौर पर प्रयुक्ति दी गई है। नियुक्ति आदेश में साफ तौर पर अंकित किया गया है कि यह नियुक्ति शुद्ध रूप से अस्थाई व कंटिनैट प्रकृति की है जो कभी भी बिना नोटिस के समाप्त की जा सकती है। प्रार्थी किसी भी सूरत में नियमित समायोजन का दावा नहीं करेगा अर्थात् प्रार्थी को पूरे एक साल के लिए भी नियुक्ति नहीं दी गई है, सिर्फ नौ माह से कम अवधि में ही प्रार्थी वाला पद समाप्त कर दिया गया है। अतः माननीय सर्वोच्च न्यायालय के विनिर्णय सर इनेमल एण्ड स्ट्रैमिंग वर्क्स लिं बनाम कर्मचार में प्रतिपादित विधिक स्थिति के अनुसार प्रार्थी कोई राहत पाने का अधिकार नहीं रह जाता है।

10. उपरोक्त के अलावा ऐसा भी नहीं है कि प्रार्थी को नौकरी से हटा दिया गया हो और किसी दूसरे व्यक्ति को इस पद पर रखा गया हो या उससे कनिष्ठ व्यक्ति सेवा में हो और प्रार्थी को अवैध रूप से सेवा मुक्त कर दिया गया हो बल्कि पद समाप्त होने पर ही उसे सेवामुक्त किया गया है।

11. माननीय सर्वोच्च न्यायालय के विनिर्णय 2006 (4) एस.सी.सी. 1 पेज 1 कर्नाटक राज्य बनाम उमा देवी वगैरह में सरकारी सेवाओं में कंटिनैट/कैनूअल श्रमिकों के समायोजन बाबत विधिक स्थिति प्रतिपादित की गई है जिसके मुताबिक प्रार्थी उपरोक्त निर्विवादित हालात के रहते कोई राहत पाने का अधिकारी नहीं है।

12. प्रार्थी द्वारा प्रस्तुत न्याय दृष्टांतों से किसी में भी ऐसी स्थिति नहीं रही है जहाँ केन्द्र सरकार के किसी विभाग से श्रमिक को सिर्फ 3 माह के लिए कंटिनैट नियुक्ति दी गयी हो, 9 माह के अंदर वह पद समाप्त हो गया हो, श्रमिक से कनिष्ठ कोई कर्मचारी ऐसे पद पर नहीं रखा गया हो और फिर भी श्रमिक को किसी प्रकार की राहत दी गई है अतः प्रस्तुत न्याय दृष्टांतों से प्रार्थी को कोई सहायता नहीं मिलती है।

13. उपरोक्त विवेचन के फलस्वरूप प्रश्नगत रैफरेंस में निम्न अवार्ड पारित किया जाता है:—

अवार्ड

14. पोस्टमास्टर जनरल राजस्थान पूर्वी रीजन के प्रबंधन द्वारा श्रमिक श्री राधाकिशन की दिनांक 21.01.94 से सेवाएँ समाप्त करने का आदेश उचित एवं वैद्य है। प्रार्थी श्रमिक कोई राहत पाने का अधिकारी नहीं है।

15. आदेश आज दिनांक 16.09.2011 को खुले न्यायालय में लिखाया जाकर सुनाया गया। अवार्ड केन्द्र सरकार को वास्ते प्रकाशनार्थ भेजा जाये।

सतीश कुमार शर्मा, न्यायाधीश

नई दिल्ली, 23 जनवरी, 2012

का०आ० 761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार दी 57, एफ०एम०सी०डी० द्वारा 56 ए०पी०ओ० जोधपुर प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जोधपुर के पंचाट (संदर्भ संख्या-05/2009.....) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.01.2012 प्राप्त हुआ था।

[सं० एल०-14012/12/2009 आई०आर०(डी०य०)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd January, 2012

S.O. 761.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 05/2009) of the Industrial Tribunal cum Labour Court Jodhpur as shown in the Annexure, in the Industrial dispute between the 57, FMCD through 56 APO Jodhpur and their workman, which was received by the Central Government on 23.01.2012.

[No. L-14012/12/2009-IR(DU)]
RAMESH SINGH, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, जोधपुर।

पीठासीन अधिकारी:— श्री एच०आर० नागौरी, आर०एच०जे०एस० औद्योगिक विवाद (केन्द्रीय) संख्या:- 5 सन् 2009

श्री राधाकिशन पुत्र श्री रामजी जरिये राजस्थान ट्रेड यूनियन केन्द्र सुरतसिंह जी की कोठी बाटा गोदाम के ऊपर सोजतीगेट के बाहर, जोधपुर।

.....प्रार्थी

बनाम

57. एफ०एम०सी०डी०, एफ०एम०एस०डी० मार्केट 56 ए०पी०ओ० मिल्ट्री हॉस्पीटल के पास, उम्मेद भवन रोड जोधपुर।

.....अप्रार्थी

उपस्थिति:-

- (1) प्रार्थी के प्रतिनिधि—श्री विजय मेहता उपस्थित।
- (2) अप्रार्थीगण के प्रतिनिधि श्री मधुसुदन व्यास उपस्थित।

अधिनिर्णय

दिनांक:- 20.09.2011

1. भारत सरकार के श्रम मंत्रालय ने अपनी अधिनियम क्रमांक एल० 14012/12/2009—आईआर० (डीएच०) नई दिल्ली दिनांक 21.7.2009 के द्वारा निम्न विवाद अधिनिर्णय हेतु इस न्यायालय को प्रेषित किया गया है:—

"Whether the action of the management of 47 FMSD C/Q 56 APO in terminating the services of Shri Radakishan w.e.f. 28/10/2006 is legal and justified? If not, what relief the workman is entitled to?

प्रार्थी ने अपने माँग-पत्र में यह उल्लेख किया है कि अप्रार्थी ने मजदूर के पद पर नियुक्ति देने के लिए नियोजन कार्यालय से मजदूरों के नाम मैंगवाये थे। नियोजन कार्यालय द्वारा प्रेषित मजदूरों के नामों पर विधिवत् विचार तथा मनन करने के पश्चात् अप्रार्थी ने प्रार्थी का मजदूर के पद पर नियुक्ति हेतु चयन किया तथा प्रार्थी को 750/- रुपये प्रतिमाह वेतन, मंहगाई भत्ता तथा अन्य भत्तों पर दिनांक 18.7.1994 के आदेश के द्वारा नियुक्त किया। कार्यभार ग्रहण करने के पूर्व प्रार्थी का पुलिस वेरीफिकेशन तथा मिलट्री हॉस्पीटल में मेडिकल भी करवाया गया। प्रार्थी ने यह उल्लेख किया है कि इसके पश्चात् अप्रार्थी नियोजक ने प्रार्थी को दिनांक 18.7.1995 को सेवा से पृथक कर दिया। इस आदेश को प्रार्थी ने केन्द्रीय प्रशासनिक अधिकरण, जोधपुर में चुनौती दी। अधिकरण ने प्रार्थी के प्रार्थना-पत्र को निरस्त कर दिया। इसपर प्रार्थी ने इसे माननीय राजस्थान उच्च न्यायालय में चुनौती दी। माननीय राजस्थान उच्च न्यायालय ने आदेश दिनांक 12.1.2002 के द्वारा यह निर्णित किया कि अप्रार्थी ने प्रार्थी को कृत्रिम ब्रेक दिये। माननीय राजस्थान उच्च न्यायालय ने इस प्रकार दिये गये कृत्रिम ब्रेक को नजरअंदाज करते हुए यह माना कि प्रार्थी ने अप्रार्थी नियोजक के यहां 240 दिन की सेवा पूर्ण कर ली थी। इस प्रकार प्रार्थी की सेवापृथकता को गैर कानूनी मानते हुए यह स्पष्ट किया कि इन परिस्थितियों में यह माना जायेगा कि प्रार्थी को कभी भी सेवा से पृथक नहीं किया गया। माननीय राजस्थान उच्च न्यायालय ने प्रार्थी की सेवापृथकता को निरस्त करते हुए प्रार्थी को उसकी सेवा की निरन्तरता में बकाया वेतन सहित दिनांक 31.3.2001 तक सेवा में पुनर्स्थापित होने का आदेश दिये। अप्रार्थी नियोजक ने माननीय राजस्थान उच्च न्यायालय के आदेश को माननीय सर्वोच्च न्यायालय में चुनौती दी। सर्वोच्च न्यायालय ने दिनांक 6.10.2004 के आदेश के द्वारा प्रार्थी को अपील निरस्त करते हुए प्रार्थी को दैनिक वेतन भोगी माना।

3. प्रार्थी ने अपने माँग-पत्र में आगे यह उल्लेख किया है कि इसके पश्चात् अप्रार्थी नियोजक ने अपने आदेश दिनांक 1.11.2004 के द्वारा प्रार्थी को सेवा में पुनर्स्थापित किया। प्रार्थी ने दिनांक 4.11.2004 को कार्यभार ग्रहण किया। अप्रार्थी नियोजक ने माननीय उच्च न्यायालय के अंबर्जवेशन के बावजूद प्रार्थी को उसके सेवा में कृत्रिम ब्रेक देने का

क्रम जारी रखा और इस प्रकार कृत्रिम ब्रेक देने का क्रम जारी रखते हुए अप्रार्थी नियोजक ने प्रार्थी को दिनांक 28.10.2006 को सेवा से पृथक कर दिया। प्रार्थी ने यह उल्लेख किया है कि उसने उसकी सेवापृथकता के पूर्व के एक वर्ष में 240 दिन तक कार्य कर लिया था। माननीय राजस्थान उच्च न्यायालय ने भी यह स्पष्ट घोषित किया कि प्रार्थी ने 240 दिन कार्य कर लिया है। प्रार्थी ने यह उल्लेख किया कि श्रमिक के सेवाकाल में एक बार एक वर्ष में 240 दिन की सेवा पूरी करना आवश्यक है। प्रत्येक वर्ष 240 दिन कार्य करना आवश्यक नहीं है। माननीय राजस्थान उच्च न्यायालय ने प्रार्थी को उसकी सेवापृथकता से सेवा में पुनर्स्थापित करने की अवधि को निरन्तर सेवा माना है। प्रार्थी ने प्रति वर्ष 240 दिन की सेवा पूरी कर ली थी। प्रार्थी ने सेवापृथकता के पूर्व 240 दिनों से अधिक दिनों तक कार्य कर लिया था। प्रार्थी ने सेवापृथकता के पूर्व 240 दिनों से अधिक दिनों तक कार्य कर लिया था। प्रार्थी को उसकी सेवा पृथकता के पूर्व न तो एक माह का नोटिस दिया गया और न ही छंटनी का मुआवजा दिया गया। प्रार्थी की सेवापृथकता के पूर्व नियमानुसार वरियता सूची भी प्रकाशित नहीं की गई। केन्द्रीय सरकार को इसकी सूचना नहीं दी गई और न ही छंटनी किये जाने की अनुमति प्राप्त की गई। अप्रार्थी के अधीन सौ से अधिक श्रमिक तथा कर्मचारी हैं। प्रार्थी कनिष्ठतम श्रमिक नहीं था। प्रार्थी से कनिष्ठ श्रमिकों को नियोजित रखा गया। प्रार्थी की संवापृथकता के पश्चात् नई नियुक्तियों दी गई, लेकिन प्रार्थी को ऑफर नहीं दी गई। प्रार्थी ने यह उल्लेख किया है कि इस प्रकार उसकी सेवापृथकता औद्योगिक विवाद अधिनियम की धारा 25-एफ, 25-जी, 25-एच तथा एन तथा नियम-77 तथा 78 के प्रतिकूल है।

4. प्रार्थी ने अपने माँग-पत्र में यह उल्लेख किया है कि उसकी सेवापृथकता के पश्चात् प्रार्थी ने अपने को सेवा में पुनर्स्थापित करने के लिए अप्रार्थी से कई बार निवेदन किया, लेकिन आश्वासन के उपरान्त भी अप्रार्थी ने प्रार्थी को सेवा में पुनर्स्थापित नहीं किया। उक्त आधारों पर प्रार्थी ने यह प्रार्थना की है कि उसकी सेवापृथकता को निरस्त कर उसके उसकी सेवा की निरन्तरता में सम्पूर्ण वेतन सहित सेवा में पुनर्स्थापित किया जावे। देय वेतन पर 18 प्रतिशत वार्षिक की दर से ब्याज भी दिलाया जावे।

5. अप्रार्थी ने अपने प्रत्युत्तर में यह उल्लेख किया है कि प्रार्थी को मात्र दैनिक वेतन भोगी श्रमिक के रूप में जरिये आदेश डब्ल्यू ६० 5043/1946/8 द्वारा मात्र 89 दिनों के लिए अस्थाई रूप से लागाया गया था। प्रार्थी की सेवाएँ मात्र अस्थाई आधार पर आवश्यकता अनुसार समय-समय पर दैनिक वेतन भोगी श्रमिक के रूप में दिनांक 18.7.1994 से 18.7.1995 के बीच प्राप्त की गई थी। अप्रार्थी ने प्रार्थी द्वारा केन्द्रीय प्रशासनिक अधिकरण में कार्यवाही किया जाना तथा माननीय राजस्थान उच्च न्यायालय द्वारा आदेश दिनांक 12.1.2001 पारित होने का तथ्य स्वीकार किया है। माननीय सर्वोच्च न्यायालय द्वारा आदेश दिनांक 6.10.2004 पारित होना भी स्वीकार किया है। अप्रार्थी ने यह उल्लेख किया है कि प्रार्थी ने माननीय उच्च न्यायालय के समक्ष कन्ट्रैप्ट पिटीशन पूर्व आदेश दिनांक 12.1.2001 के सम्बन्ध में प्रस्तुत की थी जो पिटीशन दिनांक 24.2.2006 को निरस्त की जाने पर सर्वोच्च न्यायालय के सम्मुख प्रस्तुत एस-एल-पी० दिनांक 19.3.2007 के द्वारा निरस्त की गई।

6. अप्रार्थी ने यह उल्लेख किया है कि अप्रार्थी विभाग कार्य की आवश्यकता के अनुसार थोड़े समय अवधि के लिए दैनिक वेतन भोगी की नियुक्ति करने हेतु सक्षम है। कमान अधिकारी को निर्देशित किया गया कि 89 दिन से अधिक किसी भी श्रमिक को नियुक्त नहीं किया जावे और इसलिये पद में कृत्रिम ब्रेक देने सम्भवी तथ्य असत्य होने से अस्वीकार है। अस्थाई आवश्यकता की मांग के अनुसार समय-समय पर भिन्न-भिन्न आदेशों के जरिये दैनिक वेतन भोगी के रूप में श्रमिक की सेवाएं प्राप्त की गई। नियमानुसार 89 दिन उपरान्त सेवाएं समाप्त की जाती रहीं। प्रार्थी के नियुक्ति-पत्र में स्पष्ट रूप से अंकित किया जाता रहा कि उसकी सेवाएं बिना किसी अग्रिम नोटिस के समाप्त की जायेगी। अप्रार्थी विभाग में विभागीय आदेशानुसार अधिकतम मात्र 9 श्रमिकों की अस्थाई सेवाएं ली जा सकती हैं एवं इसी अनुरूप सेवाएं ली जाती रही हैं। इस प्रकरण में कोई नोटिस अथवा छंटनी मुआवजा देने की आवश्यकता नहीं है। वरियता सूची के प्रकाशन की अनुमति के प्रावधान लागू नहीं होते हैं। प्रार्थी श्रमिकों को अस्थाई श्रमिकों के समानान्तर नहीं माना जा सकता। अप्रार्थी संस्थान में अस्थाई आवश्यकता अनुसार कार्यभार महसूस होने पर प्रार्थी की सेवाएं दैनिक वेतन भोगी के रूप में प्राप्त की गई। प्रार्थी की अस्थाई नियुक्ति विशुद्ध रूप से कार्य के आधार पर निर्भर करती है। प्रार्थी स्वयं का सिलाई का व्यवसाय करता है। प्रार्थी विशेष रूप से रक्षा कमियों की वेशभूषा के कार्य में दक्ष होने के कारण उपरोक्त व्यवसाय में जुट्य हुआ है। उक्त आधारों पर अप्रार्थी ने प्रार्थी के मांग-पत्र को निरस्त करने की प्रार्थना की।

7. प्रार्थी ने अपने मांग-पत्र में उल्लेख किये गये तथ्यों की पुष्टि में स्वयं का शपथ-पत्र प्रस्तुत किया। प्रार्थी पी. डब्ल्यू-१ श्री राधाकिशन से प्रतिपरीक्षा की गई। प्रलेखीय साक्ष्य में नियोजन सेवा निदेशालय से प्राप्त पत्र प्रदर्श-१, प्रमाण-पत्र प्रदर्श-२, नियुक्ति-पत्र प्रदर्श-३, नियुक्ति-पत्र प्रदर्श-४, माननीय राजस्थान उच्च न्यायालय का निर्णय दिनांक 12.1.2001 प्रदर्श-५ तथा माननीय सर्वोच्च न्यायालयका आदेश दिनांक 6 अक्टूबर 2004 प्रदर्श-६ को पेश कर प्रदर्श करवाये गये। अप्रार्थी की ओर से मैजर प्रबीण सिंह का शपथ-पत्र प्रस्तुत किया गया। डी.डब्ल्यू-१ श्री प्रवीणसिंह से प्रतिपरीक्षा की गई। प्रलेखीय साक्ष्य में नोट प्रदर्श ए-१, नियुक्ति-पत्र प्रदर्श ए-२, सेवामुक्ति आदेश प्रदर्श ए-३, नियुक्ति-पत्र प्रदर्श ए-४, सेवामुक्ति आदेश प्रदर्श ए-५, नियुक्ति आदेश प्रदर्श ए-६, सेवामुक्ति आदेश प्रदर्श ए-७, नियुक्ति आदेश प्रदर्श ए-८, सेवामुक्ति आदेश प्रदर्श ए-९, नियुक्ति आदेश प्रदर्श ए-१०, सेवामुक्ति आदेश प्रदर्श ए-११, नियुक्ति आदेश प्रदर्श ए-१२, सेवामुक्ति आदेश प्रदर्श ए-१३, नियुक्ति आदेश प्रदर्श ए-१४, सेवामुक्ति आदेश प्रदर्श ए-१५, नियुक्ति आदेश प्रदर्श ए-१६, सेवामुक्ति आदेश प्रदर्श ए-१७, नियुक्ति आदेश प्रदर्श ए-१८, माननीय उच्च न्यायालय का आदेश दिनांक 24.2.2006 प्रदर्श ए-१९, माननीय उच्च न्यायालय का आदेश प्रदर्श ए-२० तथा माननीय उच्चतम न्यायालय का आदेश प्रदर्श ए-२१ को पेश कर प्रदर्श करवाया गया।

8. बहस उभय-पक्ष सुनी गई। पत्रावली का अवलोकन किया गया। पत्रावली पर उपलब्ध साक्ष्य तथा विधि के परिप्रेक्ष्य में हमारा निष्कर्ष निम्नप्रकार है।

9. यह स्वीकृत तथ्य है कि प्रारम्भ में प्रार्थी को अप्रार्थी संस्थान ने अपने आदेश दिनांक 18.7.1994 के द्वारा मजदूर के पद पर नियुक्त किया था। इसके बाद प्रार्थी को 89 कार्यदिवसों के पश्चात् एक अथवा दो दिन के बनावटी अथवा काल्पनिक ब्रेक देकर प्रार्थी को नई नियुक्ति दी गई। अप्रार्थी संस्थान द्वारा ऐसा कई बार किया और अन्त में अप्रार्थी संस्थान ने प्रार्थी की दिनांक 18.7.1995 को सेवा समाप्त कर दी। इसके विरुद्ध प्रार्थी ने केन्द्रीय प्रशासनिक अधिकरण, जोधपुर में प्रार्थना-पत्र प्रस्तुत किया। उस प्रार्थना-पत्र को केन्द्रीय प्रशासनिक अधिकरण ने अपने आदेश दिनांक 28.4.2000 के द्वारा निरस्त कर दिया। प्रार्थी ने इस आदेश के विरुद्ध माननीय राजस्थान उच्च न्यायालय, जोधपुर में रिट याचिका प्रस्तुत की। माननीय राजस्थान उच्च न्यायालय ने अपने आदेश दिनांक 12.1.2001 प्रदर्श-५ के द्वारा प्रार्थी की रिट याचिका स्वीकार की तथा निम्न आदेश पारित किया:

"In view of the above discussion, both these petitions are allowed, the original applications of the petitioners are granted, it is declared that their last termination orders were bad in law and illegal and their services were never terminated and they shall be treated as continuous in service and they shall be entitled to all the consequential benefits of the services. It is also declared that they shall be treated as appointed on the post having fixed pay scale of Rs. 750/- plus usual allowances. The respondents shall reinstate the petitioners by 31.3.2001 and pay all the arrears by that time."

माननीय उच्च न्यायालय ने अपने इस निर्णय में निम्न निष्कर्ष भी निकाला:—

"The above facts make it very clear that all throughout both the petitioners were given artificial break for a day or two in their services. It is clear that they had completed 240 working days in a calendar year when their services were terminated last without following the provisions of Section 25-F and 25-G of the Industrial Disputes Act."

10. अब तक आदेश में माननीय राजस्थान उच्च न्यायालय ने सभी तथ्यों पर विचार करने के पश्चात् निम्न निष्कर्ष भी निकाले:—

"From the above mentioned facts, three things are very much clear:—

- I. that both the petitioners were duly selected and appointed after their medical examination was done on a fixed salary of Rs. 750/- per month with usual allowances.
2. Unilaterally, the respondents took the decision and changes the terms and conditions of their appointment and ordered that the petitioners shall be paid only Rs. 35/- per day as wages.
3. Right from the day one of the joining of their services, they have continuously worked for

more than 240 days or two by way of artificial breaks in their services.

From the order, it looks that their appointments were for a fixed period of 89 days but from the facts narrated herein above, it is clear that they were in continuous service except by way of artificial breaks. It was not expected from the Union of India to act in this manner."

माननीय राजस्थान उच्च न्यायालय ने निम्न ऑर्जवेशन का भी उल्लेख किया है:—

"We have noticed that this is a general tendency growing in the States and Union of Keeping poor labours and then terminating their services after taking work from them only because, they do not want to extend the legitimate benefits of services to them."

11. अप्रार्थी ने अपने प्रत्युत्तर में यह उल्लेख किया है कि प्रार्थी को 89 दिनों के लिए अस्थाई रूप से लगाया गया था। अप्रार्थी ने मांग-पत्र के प्रत्युत्तर में यह उल्लेख किया है कि अप्रार्थी संस्थान कार्य की आवश्यकता के अनुरूप थोड़ी समय अवधि के लिए दैनिक वेतन भोगी श्रमिकों की नियुक्ति करने हेतु सक्षम है। अप्रार्थी ने यह उल्लेख किया है कि अप्रार्थी के कमान अधिकारी को यह निर्देशित किया गया है कि उसके द्वारा 89 दिवसों से अधिक किसी भी श्रमिक को नियुक्त नहीं किया जावे। अप्रार्थी ने यह उल्लेख किया है कि अस्थाई आवश्यकता की मांग के अनुसार समय-समय पर भिन-भिन आदेशों के जरिये दैनिक वेतन भोगी के रूप में श्रमिक की सेवाएं प्राप्त की गई थीं तथा नियमानुसार 89 दिवस उपरान्त सेवाएं समाप्त की जाती रहीं। यह भी उल्लेख किया है कि श्रमिक को दिये गये नियुक्ति-पत्र में स्पष्ट रूप से यह उल्लेख किया जाता रहा है कि उसकी सेवाएं बिना किसी अग्रिम नोटिस के समाप्त की जायेंगी। अप्रार्थी संस्थान के साक्षी डी.डब्ल्यू.-1 मैजर श्री प्रवीणसिंह ने अपनी प्रतिपरीक्षा में यह उल्लेख किया है कि उनके यहां नियुक्ति 89 दिन के लिए ही दी जाती थी। इस साक्षी ने कहा कि 89 दिन की नियुक्ति देने का प्रावधान है तथा उसके आगे ब्रेक देकर फिर श्रमिक को रखा जाता था। इस साक्षी ने यह तथ्य स्वीकार किया है कि प्रार्थी को भी 89 दिन के लिए रखा फिर ब्रेक दिया फिर 89 दिन के लिए रखा और इसी प्रकार उसे रखा गया। इस साक्षी ने कहा है कि वह यह नहीं बता सकता कि प्रार्थी ने ब्रेक सहित कुल कितने दिन काम कर लिया। इस साक्षी ने कहा कि उनके यहां 9 लोगों की जरूरत थी।

12. उक्त तथ्यों तथा उक्त साक्ष्य पर विचार करने के पश्चात् हमें एक निश्चित निष्कर्ष पर पहुंचना है। प्रार्थी को पूर्व में भी सेवा से पृथक किया गया है। इसके लिए प्रार्थी को लम्बी कानूनी लड़ाई लड़नी पड़ी थी तथा लम्बी कानूनी लड़ाई के पश्चात् उसे अप्रार्थी संस्थान ने पुनः दिनांक 1.9.2004 को नियुक्त दी थी, लेकिन दुर्भाग्य से अप्रार्थी संस्थान ने अपना रवैया नहीं छोड़ा और उसे उसी प्रकार 89 दिन की नियुक्ति देते रहे तथा बीच-बीच में वही बनावटी तथा काल्पनिक ब्रेक देते रहे। माननीय राजस्थान उच्च न्यायालय ने अपने उक्त आदेश प्रदर्श-5 में अप्रार्थी संस्थान की इस पद्धति के बारे में स्पष्ट रूप से यह उल्लेख किया था कि अप्रार्थी भारत सरकार से ऐसी कार्य पद्धति की अपेक्षा नहीं की जा सकती

है। माननीय उच्चतम न्यायालय ने भी इस आदेश के विरुद्ध प्रस्तुत अपील में पारित आदेश प्रदर्श-6 के द्वारा माननीय राजस्थान उच्च न्यायालय के इस आदेश की कुछ संशोधनों के साथ पुष्टि की थी। हमारी राय है कि माननीय राजस्थान उच्च न्यायालय तथा माननीय उच्चतम न्यायालय के आदेशों के उपरान्त भी अप्रार्थी संस्थान का यह आचरण उक्त आदेशों की अवमानना की श्रेणी में आता है। इस आचरण की जितनी भी भर्त्सना की जाए उतनी कम है।

13. माननीय राजस्थान उच्च न्यायालय ने उक्त आदेश प्रदर्श-5 में यह माना था कि जब से प्रार्थी को नियुक्ति दी गई है तब से प्रार्थी ने 240 दिनों से ज्यादा दिन तक निरन्तर कार्य किया है। यह भी माना है कि जिस क्लोण्डर वर्ष में प्रार्थी की सेवाएं समाप्त की गई उस वर्ष में प्रार्थी ने 240 दिन से ज्यादा दिन कार्य किया था तथा उसकी सेवाएं औद्योगिक विवाद अधिनियम की धारा 25-एफ तथा 25-जी के प्रावधानों की पालना किये बिना समाप्त की गई थी। हमारे समक्ष इस प्रकारण में भी अप्रार्थी ने मांग-पत्र के प्रत्युत्तर में इस तथ्य का खण्डन नहीं किया है कि प्रार्थी ने प्रतिवर्ष 240 दिन की सेवा पूर्ण कर ली है। अप्रार्थी ने मांग-पत्र के प्रत्युत्तर में इस तथ्य का खण्डन नहीं किया है कि प्रार्थी ने उसकी सेवापृथकता के पूर्व के 12 क्लोण्डर माहों में 240 दिनों से अधिक दिनों तक कार्य किया था। अप्रार्थी ने मांग-पत्र के प्रत्युत्तर में प्रार्थी के कार्यादिवासों के सम्बन्ध में कोई तथ्य उल्लेख नहीं किया है। अप्रार्थी की ओर से साक्ष्य में प्रार्थी के नियुक्ति-पत्र तथा उसकी सेवा समाप्ति के पत्र प्रदर्श ए-8 लागे प्रदर्श ए-18 प्रस्तुत हुए हैं। इनके अवलोकन से भी यही प्रतीत होता है कि अप्रार्थी ने प्रार्थी को उसकी सेवा के विधिक लाभों से वंचित करने के उद्देश्य से प्रार्थी की सेवा में बनावटी तथा काल्पनिक ब्रेक दिये। यह अवश्य है कि इस बार पूर्व की तुलना में अप्रार्थी संस्थान ने यह होशियारी बताई है कि जहां पूर्व में प्रत्येक ब्रेक के बीच में एक अथवा दो दिन का गैप था वहीं इस बार लम्बे ब्रेक दिये हैं। हमारी यह राय है कि ये लम्बे ब्रेक भी प्रार्थी को उसकी सेवा सम्बन्धी विधिक लाभों से वंचित करने के उद्देश्य से दिये गये हैं। अतः इन ब्रेक को भी प्रार्थी की सेवा अवधि का अंग माना जायेगा।

14. हमारी राय में प्रार्थी की औद्योगिक विवाद अधिनियम की धारा 25-बी के प्रावधानों के अनुसार निरन्तर सेवा प्रमाणित होती है। पत्रावली पर यह साक्ष्य नहीं है कि अप्रार्थी संस्थान ने प्रार्थी की सेवा समाप्ति के पूर्व प्रार्थी को एक माह का नोटिस अथवा नोटिस वेतन तथा मुआवजा राशि का भुगतान किया। इस विवेचन के परिप्रेक्ष्य में हमारी यह राय है कि अप्रार्थी संस्थान ने प्रार्थी की सेवा समाप्ति के पूर्व औद्योगिक विवाद अधिनियम की धारा 25-एफ तथा 25-जी की पालना नहीं की है और ऐसी स्थिति में प्रार्थी की सेवा समाप्ति अवैध तथा अनुचित प्रमाणित होती है।

14. अब हमने यह देखा है कि प्रार्थी क्या अनुतोष प्राप्त करने का अधिकारी है? हमारी राय में प्रार्थी सेवा में पुनर्स्थापित किये जाने योग्य है। प्रार्थी की सेवाएं उसकी सेवा समाप्ति की तिथि से उसे सेवा में पुनर्स्थापित होने की दिनांक तक निरन्तर माने जाने योग्य है। पत्रावली पर यह साक्ष्य है कि प्रार्थी ने अपने इस बेरोजगारी के समय में कपड़े आदि सिलाई का व्यवसाय किया है। अतः समस्त परिस्थितियों पर सावधानीपूर्वक

विचार करने के पश्चात् हमारी राय में प्रार्थी उसकी सेवा समाप्ति की तिथि से सेवा में पुनर्स्थापित होने तक की अवधि के बेतन की 50 प्रतिशत राशि पूर्वभूति के रूप में प्राप्त करने का अधिकारी है।

आदेश

15. अतः यह अधिनिर्णित किया जाता है कि:—

(1) अप्रार्थी नियोजक 57 एफ.एम.एस.डी. मार्फत 56 ए.पी.ओ. के प्रबन्धन द्वारा प्रार्थी श्री राधाकिशन पुत्र श्री रामाजी की सेवा दिनांक 28.10.2006 से समाप्त किये जाने की कार्यवाही अवैध तथा अनुचित है।

(2) अप्रार्थी नियोजक प्रार्थी श्री राधाकिशन पुत्र श्री रामाजी को तुरन्त सेवा में पुनर्स्थापित करे। प्रार्थी की सेवाएं उसकी सेवा समाप्ति की तिथि से सेवा में पुनर्स्थापित होने तक निरन्तर मानी जायेंगी।

(3) प्रार्थी उसकी सेवा समाप्ति की तिथि से सेवा में पुनर्स्थापित होने तक की अवधि के बेतन की 50 प्रतिशत राशि पूर्वभूति के रूप में अप्रार्थी नियोजक से प्राप्त करने का अधिकारी है।

16 इस अधिनिर्णय को प्रकाशनार्थ राज्य शासन को प्रेषित किया।

17. यह अधिनिर्णय मेरे द्वारा लिपिबद्ध करवाया जाकर आज दिनांक 20.09.2011 को खुले न्यायालय में हस्ताक्षर कर उद्घोषित किया गया।

एच.आर. नागौरी, न्यायाधीश

नई दिल्ली, 24 जनवरी, 2012

कांग्रेस 762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जरनल मैनेजर, मंगलौर टेलीकाम डिस्ट्रीक्ट, मंगलौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 168/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-01-2012 का ग्राहन हुआ था।

[सं. एल-40012/156/1995-आईआर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 24th January, 2012

S.O. 762.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 168/97) of the Central Government Industrial Tribunal cum Labour Court Bangalore as shown in the Annexure, in the Industrial dispute between the employer in relation to the General Manager, Mangalore Telecom District, Mangalore and their workman, which was received by the Central Government on 24.01.2012.

[No. L-40012/156/1995-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE.

Dated 08th December 2011

Present:

SHRI S.N. NAVALGUND

Presiding Officer

C.R. NO. 168/97

I PARTY

Shri B Rajaram
S/o Krishna Murthy Bhat,
R/a C/O K. Nagesh Kumar,
Sri Ganesh Prasad
Malmar, Ashoknagar Post,
MANGALORE-575006

II PARTY

The General Manager,
Mangalore Telecom District,
Old Kend Road,
MANGALORE-575001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and Sub Section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute *vide* order No. L-40012/156/95-IR(DU) dated 26th July 1996 for adjudication on the following Schedule:

SCHEDULE

“Whether the action of the management of Mangalore Telecom District in terminating the services of Shri B. Rajaram is proper, legal and justified? If not, to what relief the workman is entitled to?”

2. This reference after affording the several opportunities to the workman to file his Claim Statement was rejected by award dated 27.12.2001 along with some other references and all those references when challenged before the Hon’ble High Court of Karnataka by order dated 23.07.2007 came to be set aside and remitted back to this tribunal with direction to afford opportunities to both the parties to contest the case. Thereafter pursuant to the order passed by the Hon’ble High Court in Writ Petition No. 35066/2003 c/w 26849/2002(L-TER) dated 23rd July 2007 again this reference was taken in its original number. After counsel appearing for the first party taking several adjournments to lead evidence of the workman, on 8.12.2001 filed a memo to the effect that the first party workman having died the reference may be dismissed, further submitted that he has learnt that he has not left any legal heirs. In view of this submission made by the learned advocate appearing for the first party workman the reference is abated due to the death of the workman without leaving any legal heirs. Hence I pass the following award:

AWARD

The reference is rejected as abated due to the death of the first party workman without leaving any legal heirs

behind him.

(Dictated to PA transcribed by her corrected and signed by me on 8.12.2011)

S.N. NAVALGUND, Presiding Officer

नई दिल्ली, 25 जनवरी, 2012

का०आ० 763.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार असिस्टेंट सुपरेटेन्डेन्ट डाकघर, डिपार्टमेंट ऑफ पोस्ट, बान्द्रा, महाराष्ट्र प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या सी०जी०आई०टी०/एन०जी०पी०/127/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-01-2012 को प्राप्त हुआ था।

[सं० एल-40012/58/2004-आईआर (डीयू)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2012

S.O. 763.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/127/2004) of the Central Government Industrial Tribunal cum Labour Court Nagpur as shown in the Annexure, in the Industrial dispute between **The Assistant Suptd. Dakghar, Dept. of Post Bhandara (Maharashtra) and their workman**, which was received by the Central Government on 25.01.2012.

[No. L-40012/58/2004-IR(DU)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/127/2004

Date: 27.12.2011.

Party No. 1 : The Assistant Superintendent, Dakghar (Up-Sambhag), Deptt. Of Posts, Bhandara Sub-Division, Bhandara (MS).

Versus

Party No. 2 : Shri Yusufali Hafizali Sayyed, R/o Bela, Post Bela Tehsil and Distt. Bhandara (MS).

AWARD

(Dated: 27th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(a) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the

management of Department of Posts, Bhandara Sub Division, Bhandara (MS) and their workman, Shri Yusufali H. Sayyed, for adjudication, as per letter No. L-40012/58/2004-IR (DU) dated 08.11.2004, with the following schedule:—

"Whether the action of the management of department of Posts, Bhandara Sub-Division, Bhandara (MS) in terminating the services of Shri Yusufali H. Sayyed, temporary Extra Departmental Delivery Agent, (Bela) w.e.f. 25.09.2003 is justified? If not, to what relief the workman concerned is entitled?"

On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman; Yusufali H. Sayyed (the "workman" in short) filed the statement of claim and the management of the Asstt. Supdtt. Of Posts, Bhandara Sub-Division ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he was appointed temporally as an Extra Departmental Delivery Agent ("EDDA" in short), Bela, w.e.f. 25.09.2001 and worked continuously till 07.01.2003 and his service record was clean and unblemished and he completed more than 240 days of continuous service, but the Party No. 1 terminated his services illegally, without complying the mandatory provisions of the Act and as such, the order of termination is arbitrary, contrary to the law and illegal and he is entitled for reinstatement in service.

The further case of the workman is that his appointment was against a vacancy arose due to the retirement of one of the regular employees and he had the requisite qualifications for his permanent employment in the post, which he was holding and as such, the termination of his services was not justified.

The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The Party No. 1 in its written statement has pleaded *inter-alia* that the post of GDS MD, Bela Branch office was lying vacant due to the retirement of the regular incumbent, Hafiz Ali Rahim Ali Sayyed, the father of the workman on 25.09.2001 on superannuation, after attaining the age of 65 years and as it was not possible to appoint a regular employee in his place immediately and for proper functioning of Bela Post Office, the workman was engaged to work as GDS MD, Bela Branch office w.e.f. 25.09.2001 purely on temporary basis with an understanding that the appointment was till the process of recruitment for appointment to the post of GDS MD, Bela on regular basis is initiated and accordingly, the recruitment process for appointment to the post of GDS MD, Bela Branch office was initiated and in all 12 candidates including the present

workman were called for the interview for the post and the name of the workman was considered along with other candidates for selection by the committee and Shri R.D. Selokar was selected as he had secured 54.13% if mark in SSC examination and the workman had secured 45% mark in SSC examination and as such, the services of the workman was discontinued from 07.01.2003 and the selection of Shri Selokar was done as per rules and regulations and the appointment of the workman at no point of time was made as per the recruitment rules and he was engaged as a stop gap arrangement and it is well settled law that 240 days engagement is not a sine-quo-non for claiming permanency and there is no merit in the case of the workman and he is not entitled for any relief.

4. It is necessary to mention here that as the workman did not appear in the case on 23.09.2009 and thereafter, argument was heard from the side of the management and the case was closed and posted for award.

5. At the time of argument, it was submitted by the learned advocate for the management that the workman was engaged temporarily till the process of recruitment was initiated and the process of recruitment was initiated and the workman applied for the post and his case was considered along with the other candidates by the Selection Committee and as Shri R.D. Selokar had secured 54.13% of marks in SSC examination, more than the percentage of marks secured by the workman, Shri Selokar was selected as per the rules, so the services of the workman was discontinued and the workman was never appointed, but was engaged as a stop gap arrangement and the workman had not produced any evidence to prove his case and as such, he is not entitled for any relief.

6. It is well settled that whenever a workman raises a dispute challenging the validity of the termination of the service, it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or file statement or produce evidence, the dispute referred by the Govt. cannot be allowed in favour of the workman and he would not be entitled to any relief. In this case, the workman has not adduced any evidence in support of his claim and as such, he is not entitled to any relief.

Moreover, on perusal of the document filed by the management and copy of the appointment order filed by the workman himself, it is clear that engagement of the workman was on purely temporary basis, due to the retirement of his father on 25.09.2001. It is also found that the workman had given an undertaking that he should be appointed temporarily and his services can be terminated at any time without any intimation. In view of the documents and that the workman was disengaged by the management after selection of a regular employee cannot be termed as retrenchment from services and as such, the workman is

not entitled for any relief. Hence, it is ordered:—

ORDER

The action of the management of department of Posts, Bhandara Sub-Division, Bhandara (MS) in terminating the services of Shri Yusufali H. Sayyed, temporary Extra Departmental Delivery Agent, (Bela) w.e.f. 25.09.2003 is justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer.

नई दिल्ली, 25 जनवरी, 2012

का०आ० 764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिफेंस स्टेट आफोसर विशाखापटनम् प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 64/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.01.2012 प्राप्त हुआ था।

[सं० एल-13012/2/2001-आई आर (डीयू)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2012

S.O. 764.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 64/2004) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Defence Estate Officer Vishakhapatnam their workman, which was received by the Central Government on 25.01.2012.

[No. L-13012/2/2001-IR(DU)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ATHYDERABAD

Present: Shri VED PRAKASH GAUR,
Presiding Officer

Dated the 21st day of December, 2011

INDUSTRIAL DISPUTE No. 64/2004

Between:

Sri L. Ram Babu,
D.No. 32-8-84, Harijan
Jaggayyapalem, B.H.P.V. Post,
Visakhapatnam-530012.

.....Petitioner

AND

1. The Defence Estates Officer,
Ministry of Defence,
D.No. I-91-9, Sector-V,
M.V.P. Colony, Visakhapatnam-17.

2. The Director,
Defence Estates,
Ministry of Defence, Southern command,
R.No. 49/9-I-2002, Pune-411001.

.....Respondents

Appearances:

For the Petitioner: Sri P. Sri Venkateshwar, Advocate
For the Respondent: Sri K. Suryanarayana, Advocate

AWARD

This case is referred by Government of India, Ministry of Labour & Employment through its order No. L-13012/2/2001-IR(DU) dated 18.12.2001 under section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam and the same was transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18.10.2001 bearing I.T.I.D.(C). No. 26/2002 and renumbered as I.D. No. 64/2004 in this Tribunal between the management of Defence Estates Officer and their workman. The reference is as under:

SCHEDULE

"Whether the action of the management of Defence Estates Office, Visakhapatnam by terminating the service of Sh. L. Rambabu, ex-civilian Driver w.e.f. is 23.8.2000 is legal and/or justified? If not, to what relief the workman is entitled?"

On receipt of the reference notices were issued to the parties concerned.

2. The workman has filed claim statement alleging therein that he was appointed as casual Civil M.T. Driver in the office of Respondent where he joined on 28.7.1995. He was sponsored through Employment Exchange and appeared for interview on 27.7.1995 and was selected and immediately joined the duty. He put in blemishless services to the satisfaction of his superiors continuously till 22.8.2000. On 23.8.2000 he was asked not attend the duty by a verbal order. No reason was assigned for termination of the services, no charge sheet, no notice or retrenchment compensation was given to the Petitioner as such, the mandatory provision of Industrial Disputes Act, 1947 was violated by the management. The action of management is arbitrary, illegal, in view of Sec. 25F of Industrial Disputes Act, 1947.

3. Petitioner approached the management several times but no action was taken, then the matter was raised before the ALC(C) who started conciliation proceedings, the conciliation failed and report sent to Government of

India, from where the matter has been referred to this Tribunal for adjudication.

4. It is alleged that Petitioner was initially appointed on monthly wages of Rs. 1500/- which was raised to Rs. 4026/- by afflux of time. He worked without any break and belongs to a scheduled caste community as such, the termination of his services without following proper procedure is illegal and his services may be reinstated.

5. The management has filed counter-statement alleging therein that the petition is not maintainable, Petitioner was appointed as a casual civilian Motor Driver through Employment Exchange and it was made clear to the Petitioner that his services are purely of casual nature as per conditions of appointment G.O. Part-II No. 89 dt. 28.7.95 wherein it was clarified that:—

(i) that the payment would be made for the days which the employee would actually work;

(ii) the appointment of the individual was purely on temporary basis liable for termination at any time without assigning any reason.

6. It has further been submitted that as per the demand and sanction accorded by Directorate of Defence Estates Southern Command, Pune under the powers for demand of casual M.D. Driver delegated to the Director, the Petitioner was appointed for a period of six months i.e., mostly for 89 days depending upon the urgency of work which was stipulated in the official order.

7. It is further submitted that government is determined to bring down the establishment expenditure and save more and more finance for constructive development of the nation. In view of that last sanction accorded by Directorate was from 11.2.2000 to 10.8.2000. Subsequently, no sanction was issued as such, the services were terminated. As per office order No. 245 dated 16.2.2000. The Petitioner can not claim any privilege under CCS/CCA rules being casual staff.

8. It was further submitted that Petitioner was knowing fully well that his services were of temporary nature, liable to be terminated at any time but he has come with the false allegations. He was considered for re-appointment from time to time as and when occasion arose. The office of Defence Estates does not come under the provisions of Industrial Disputes Act, 1947 as such, the petition is not maintainable and deserves to be dismissed.

9. Both the parties have filed their respective evidence. Petitioner has filed his affidavit and produced himself for cross examination and was cross-examined by the management. The Petitioner has marked eight documents Ex.W1 to W8. The management has produced affidavit of Sri G.V. Appa Rao and produced him for cross-examination who has marked 10 documents Ex. M1 to M10.

10. I have heard arguments of both the parties and I

have gone through the evidence produced by the parties. It has been argued by the Learned Counsel for the workman orally as well as through his written pleas that the Petitioner was duly appointed through a written order dated 28.7.1995. He worked upto 22.8.2000 and his services were abruptly discontinued by a oral order from 23.8.2000 as such, the action of the management terminating the Petitioner orally is illegal, arbitrary, violative of principles of natural justice and Sec. 25F of Industrial Disputes Act, 1947 because no one month's prior notice was given to the Petitioner before termination of his series nor compensation was awarded to him in lieu of the notice as such, the action of management is violative of Sec. 25F of the Industrial Disputes Act, 1947. Against this arguement of Learned Counsel for the Petitioner the management has argued that Sec. 25F of the Industrial Disputes Act, 1947 is not applicable in case of the Petitioner because Defence Estates is not an industry and the Petitioner is governed under CCA and CCS rules as such, the non-observance of the provisions of Sec. 25F is non-applicable in the present case. He has argued that Director of Defence Estates, Southern Command is controlling authority and he is the authorized person who extend the service of the Petitioner. Last Office Order No.245 dated 16.2.2000 was issued and thereafter period of employment of the Petitioner was not extended as such, the Petitioner's services were terminated. However, the Respondent has not been able to clarify whether any notice was given to the Petitioner or not before terminating his services or whether retrenchment compensation was paid to the Petitioner or not at the time of termination of his services. Not replying to these material questions of the Petitioner either through oral or written argument or through the documentary evidence proved that the management has not complied with the provisions of the Sec. 25F of the Industrial Disputes Act, 1947 who has worked without management continuously for more than 5 years thereby the entire action of the management is illegal and arbitrary and violative of principles of natural justice.

11. Against this argument of the Learned Counsel for the Petitioner workman the argument of Learned Counsel for the Respondent is that provision of Industrial Disputes Act, 1947 is not applicable to the Petitioner. Petitioner's services were governed by CCS and CCA rules as such, the question of giving notice or retrenchment compensation does not arise in this case and there is no illegality in discontinuing the services of the Petitioner.

12. I have considered the above argument of Learned Counsel for the parties and this Tribunal has to adjudicate the following points:—

- (I) Whether the action of management of Defence Estates, Visakhapatnam Steel Plant by terminating the services of Sri L. Rambabu w.e.f. 23.8.2000 is legal and justified or not?
- (II) To what relief if any the Petitioner workman is entitled?

(III) Whether the provision of Industrial Disputes Act, 1947 is applicable in the present case or not?

13. Point No. (I): It is undisputed fact that Petitioner's services were terminated or discontinued w.e.f. 23.8.2000, it is also undisputed fact that the Petitioner was appointed on 28.7.1995 after interview and by a written appointment order. It is also undisputed fact that Petitioner continuously worked w.e.f 28.7.1995 to 22.8.2000 as Civilian Motor Driver in the Respondent's organization is for more than five continuous years. In view of the above admitted facts it is to be considered whether the order of termination for the Petitioner is illegal, arbitrary and against the principles of natural justice or not.

14. Petitioner has examined himself as WW1, he has stated that he worked from 28.7.1995 to 22.8.2000, initially he was getting Rs. 1500/- as pay which was raised to Rs. 4026/. He has filed service certificate Ex. W1 and his representation dated 10.4.1997-Ex.W2, and other representations Ex.W3, W4 and W5. This fact is not disputed by the management.

15. The management has admitted that Petitioner was appointed, his services were continued upto 22.8.2000. The contention of the management is that *vide* order No. 245 dated 15.2.2000 no sanction was received from the office of the Director extending period of service of Petitioner beyond 22.8.2000. However, during cross-examination of management witness, the witness has stated that the workman has worked in the management organization in between 28.7.1995 to 11.8.2000 as Driver though he has stated no appointment letter was given to the Petitioner, but, this witness himself has proved Ex.M2 daily order part-2 dated 28.7.1995 by which Petitioner Mr. L. Ram Babu was appointed as Civilian Driver on monthly fixed pay of Rs. 1500/- P.M. Thus, it cannot be said that the Petitioner was appointed without any written order. Respondent's own document Ex.M2 clearly proves that Petitioner was appointed through a written order dated 28.7.1995 and no specific period was mentioned in that order. Though hand written sentence has been added in it, "the termination at any time without assigning any reason". No doubt, the condition was mentioned that termination can be made at any time without assigning reason but since the Respondent's witness has admitted that Petitioner has worked for more than five years, why his services were terminated abruptly on 23.8.2000 is not clear. The Respondent's has alleged that *vide* order No. 245 dated 16.2.2000 extension of services was not granted by Directorate but no such order has been placed by the management before this Tribunal. However, if the extension of period of service was not given by the Directorate to the local management whether the local management informed the Petitioner about non-extension of his services has not proved or specified by management. Under the service law

it was the duty of the management to prove that the Petitioner was given notice of termination of the services. Since Petitioner has worked for more than 5 years and he was regularly appointed by the management observing the rules of appointment, in that case it was the duty of the management to inform the Petitioner that his services will not be required after 22.8.2000. But, no such notice or letter has been produced by the management. Though the management has marked 9 documents, the alleged notice or information is lacking on the part of the management. This shows that management has acted arbitrarily in abruptly discontinuing the services of the Petitioner worker without following the principles of natural justice without holding an enquiry, without giving prior notice of termination or without paying any retrenchment compensation as such, the action of AM IS illegal, arbitrary and devoid of principles of natural justice.

16. It has been alleged by the Petitioner that his services were terminated by an oral order but, the appointment of the Petitioner was made through a written order in that case, the services of the Petitioner could not have been terminated by an oral order, this amounts to unfair labour practice as well. Thus, the action of the management is arbitrary, illegal, unjustified and violative of principles of natural justice. Point No. (i) is answered accordingly.

17. **Point No. (II):** The Petitioner was appointed through a written order. He worked for more than five years continuously as Driver and his services were discontinued without any written order without assigning any reason as such the action of the management and the manner in which the Petitioner's services were discontinued is clearly violative of principles of natural justice which is arbitrary and illegal as well. Hence, oral termination order is illegal and arbitrary and deserves to be quashed. Point No. (III) decided accordingly.

18. **Point No. (III):** The Respondent has raised this objection before this Tribunal that Industrial Disputes Act, 1947 is not applicable in this case. However, the management has not challenged the action of the government while referring this case to this Tribunal for adjudication. Not only that even if the Petitioner can approach Hon'ble Central Administrative Tribunal as claimed by the management, there is no specific prohibition under any service rules that Petitioner is prohibited from approaching this Tribunal. The Petitioner is a workman as such, he can either approach this Tribunal or he can approach the Hon'ble Central Administrative Tribunal for redressal of his grievance. Since he approached the ALC(C) for redressal of his grievances who started conciliation proceedings which ended in failure and the matter was referred to the government, which referred this case for adjudication to this Tribunal. The action of the government has not

been challenged by the management before any superior authority as such, this Tribunal is of the considered view that petition is maintainable before this Tribunal as well. Point No. (III) is answered accordingly.

19. From the above discussion, this Tribunal is of the considered opinion that the action of management in terminating the services of the Petitioner after continuous service of 5 years without following the due procedure of law, is illegal, arbitrary, unjust and violative of principles of natural justice and the termination order dated 23.8.2000 is unfair labour practice as such it deserves to be quashed and it is being quashed. The Respondent is directed to reinstate the Petitioner on the post of Driver. The Petitioner will be entitled for 50% of the wages from the date of dismissal till the date of reinstatement and thereafter he will be entitled for full pay and allowances within two months from the date of receipt of this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 21st day of December, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri L. Ram Babu	MW1: Sri G.V. Appa Rao
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Documents marked for the Petitioner

- Ex. W1: Copy of service certificate dt. 9.3.1998
- Ex. W2: Copy of representation dt. 10.4.1997
- Ex. W3: Copy of representation
- Ex. W4: Copy of representation dt. June, 1999
- Ex. W5: Copy of representation dt. 6.7.2000
- Ex. W6: Copy of representation dt. 25.10.2000
- Ex. W7: Copy of representation dt. 3.1.2001
- Ex. W8: Copy of minutes of conciliation proceedings dt. 30.5.2001
- Ex. W9: Original of Ex. W1

Documents marked for the Respondent

- Ex. W1: Copy of requisition dt. 4.7.95
- Ex. W2: Copy of daily order Part-II dt. 28.7.95
- Ex. W3: Copy of D.O. Part-II No. 244 & 245 dt. 15.2.2000
- Ex. W4: Copy of representation of WW1 dt. 25.10.2000
- Ex. W5: Copy of letter informing conduct of conciliation

proceedings to the management by ALC(C)
dt. 17.11.2000

- Ex. W6: Copy of lr. No. 16728/Ram Babu/Vizag/8C/DE
dt. 24.11.2000
- Ex. W7: Copy of lr. No. 18/4/2000-ALC dt. 3.1.2001
- Ex. W8: Copy of gazette notification dt. 25.1.1990 on
file No. 104/32/ADM/DE/87-D (Appts)
- Ex. W9: Copy of order in WP No. 2524/2003
- Ex. W10: Office copy of authorization letter dt. 27.4.2010

नई दिल्ली, 25 जनवरी, 2012

का०आ० 765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीनियर सुपरइंटेंडेन्ट ऑफ पोस्ट ऑफिसिस, अमरावती, महाराष्ट्र 444062 प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या-सी०जी०आई०टी०/एन०जी०पी०/51/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.01.2012 को प्राप्त हुआ था।

[संख्या एल-40012/51/1990-आई आर (डी यू)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2012

S.O. 765.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/ NGP/51/2003) of the Central Government Industrial Tribunal cum Labour Court Nagpur as shown in the Annexure, in the Industrial dispute between **The Sr. Suptd. Of Post offices, Amravati Maharastra 444602** and their workman, which was received by the Central Government on 25.01.2012.

[No. L-40012/51/1990-IR(DU)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/51/2003

Date: 28.12.2011.

Party No. 1 : The Sr. Suptd. of Post Offices,
Amravati-444 602.

Versus

Party No. 2 : Shri R.T. Waware,
Extra Dept. Branch Post Master,
Kalashi, Tah. Daryapur,
Amravati-444 602.

AWARD

(Dated: 28th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Post Office and their workman Shri R.T. Waware, to Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur for adjudication, as per letter No. L-40012/51/90-IR (DU) dated 22/30.11.90, with the following schedule:—

"Whether the action of the management of Sr. Suptd. of Post Offices, Amravati by dismissing the services of Shri R.T. Waware is justified? If not, what relief the workman concerned is entitled to?"

Subsequently, the reference was transferred to this Tribunal for disposal in accordance with law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union "A.I.P.E.U. Postmen & Gr. D", ("the union" in short) filed the statement of claim on behalf of the workman Shri T.T. Waware, ("the workman" in short) and the management of the Post Office, ("Party No. 1" in short) filed its written statement.

The case of the workman as projected by the union in the statement of claim is that the workman was working as the Extra Departmental Branch Post Master, ("EDBPM" in short), Kalashi w.e.f. 14.04.1979 and he was put off from duty w.e.f. 14.11.1985 and he was served with a charge sheet dated 13.08.1986, under rule 8 of EDA (Conduct and Services) Rules, 1964 by the party no. 1, i.e. after nine months from the date of put off duty and the disciplinary proceedings were conducted by the enquiry officer from 14.11.1986 to 18.09.1987 and the final order of removal from services against the workman was passed by the party no. 1 on 19.04.1988, with a direction that the order would take retrospective effect from 14.11.1985 and the workman preferred an appeal on 20.06.1988, but the Appellate Authority dismissed the appeal and then the workman on 16.08.1989, submitted an appeal to the Chief Post Master General, but the same was also rejected on 06.03.1990. The further case of the workman is that as the charge sheet was not submitted within three months of the put off duty and the same was served after nine months, the initiation of the departmental enquiry was illegal and the departmental enquiry was also not concluded within the stipulated time of 120 days, as per the notification of the Government of India dated 24.02.1979, so the final order is also vitiated for the delay and the workman was removed from service with retrospective effect which is not tenable in law, hence, the removal of the workman from service is illegal and the workman was also not supplied with a copy of the enquiry

report before imposition of the penalty, which amounts to violation of the principles of natural justice and article 311(2) of the Constitution of India and the order of punishment is illegal and reasonable opportunity of defence was not given to the workman. Prayer was made by the union for reinstatement in service with continuity and back wages.

3. The party no. I in its written statement has pleaded *inter-alia* that the workman went in conciliation by his application dated 27.03.1989 and the ALC entertaining the same, issued notice to the management for conciliation on 18.07.1989 and management filed its reply on 01.08.1989 and the ALC being satisfied about the non-existence of a dispute, filed the proceedings and the workman again went for conciliation by his second application dated 16.08.1989 and the second conciliation ended in a failure and on submission of failure report, the reference was made by the Government and therefore the reference made by the Government is wholly without any jurisdiction and is a nullity and therefore, the Tribunal has no jurisdiction to adjudicate the matter. It is further pleaded by the party no. I that the grievance of the workman is only limited to the order of punishment made with retrospective effect from 14.11.1985, but such grievance doesn't survive, as because the said relief had been granted by the Post Master General, Nagpur by his order dated 06.03.1990.

4. As this is a case of dismissal of the workman from service, after holding a departmental enquiry, the validity of the departmental enquiry was taken up for consideration as a preliminary issue. The workman submitted a pursis on 06.05.2008, stating therein that he has no grievance in respect of the validity of the departmental enquiry and the matter be heard on the merit of the case. In view of the pursis filed by the workman and the materials on record, the enquiry was held to be valid as per orders dated 28.09.2010.

5. It is necessary to mention here that the workman did not appear in the case for advancing oral argument and as such, the case was closed and posted for award.

6. In the entire statement of claim, the workman has not challenged that the findings of the enquiry officer are perverse and the punishment imposed against him is shockingly disproportionate. According to the workman, as the charge sheet was submitted nine months after the put off duty, the enquiry was illegal and as the departmental enquiry was not completed within 120 days, the final order is illegal. However, the workman has not been able to prove by adducing legal evidence that if a departmental enquiry is not completed within 120 days, then the final order passed in the case is to be treated as illegal. Hence, I find no force in the said contention. Perused the documents filed by the workman regarding the departmental enquiry. Charges were leveled against the workman for misappropriation of cash and falsification of accounts in

respect of deposits made by the depositors of RD A/c. no. 1202181, RD A/c no. 1202182 and S.B. A/c no. 272762 and such serious misconducts have been proved against him in a properly held departmental enquiry. The findings of the enquiry officer are based on the evidence available on the record, so the same cannot be said to be perverse. The punishment imposed against the workman is also not shockingly disproportionate to the serious misconducts proved against him in a properly held departmental enquiry. The order of the Disciplinary Authority that the order of dismissal from service would take effect retrospectively from the date of put off duty i.e. 14.11.1985 had already been modified by the Post Master General, Nagpur *vide* his order dated 06.03.1990. The Post Master General, Nagpur has ordered that since the removal cannot be from back date, the effect of the orders would be from the date of issue of punishment memo by the disciplinary authority i.e. 19.04.1988. Hence, there is no reason to interfere with the order of punishment. Hence, it is ordered:—

ORDER

The action of the management of Sr. Suptd. of Post Offices, Amravati by dismissing the services of Shri R.T. Waware is justified. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 25 जनवरी, 2012

कांगड़ा 766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नैशनल ब्यूरो ऑफ प्लाट जैनेटिक रिसोर्सेस, रांची प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के द्वारा अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 धनबाद के पंचाट (संदर्भ संख्या 100/94/7) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.1.2012 को प्राप्त हुआ था।

[सं. एल-42012/9/1993-आईआर(डीयू)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2012

S.O. 766.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 100/94/7) of the Central Government Industrial Tribunal cum Labour Court No. 1 Dhanbad as shown in the Annexure, in the Industrial dispute between The employers in relation to the National Bureau of Plant Genetic Resources, Ranchi and their workman, which was received by the Central Government on 25.1.2012.

[No. L-42012/9/1993-IR(DU)]
RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 100 of 1994.

Parties:

Employers in relation to the management of National Bureau of Plant Genetic Resources, Regional Station, Ranchi.

AND

Their Workmen.

Present:

Shri H.M. Singh, Presiding Officer.

Apperances:

For the Employers: Shri D.K. Verma, Advocate

For the Workman: None.

State: Jharkhand. Industry: Coal.

Dated: 2.1.2012

AWARD

By Order No. L-42012/9/93-IR(DU) dated 21.4.1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of National Bureau of Plant Genetic Resources, Regional Station, Ranchi in terminating the services of Shri Ravindra Kumar, w.e.f. 1.2.90 is justified? If not, what relief he is entitled to?"

2. The case of the concerned workman is that he was employed as skilled daily paid worker of N.S.P.G.R., Regional Station, Ranchi from 1st January, 1989 and worked till 31st January, 1990 at the said job. He worked for 261 days in the year 1989 excluding Sundays, Holidays and worked for 28 days in the month of January, 1990. He worked continuously in a permanent post. But his services were terminated w.e.f. 1.2.1990 by the Officer-in-Charge of the management without any notice or pay in lieu of notice or compensation as per the provisions of law. There was no charge against the concerned workman. After his termination one Sri A.K. Gupta was employed in the same post. He represented several times before the management against his illegal termination, but the management did not pay any heed to it. Ultimately, the concerned workman raised an industrial dispute before the A.L.C.(C) Ranchi, which ended in failure. Thereafter this dispute has been referred to this Hon'ble Tribunal for adjudication.

It has been prayed that this Hon'ble Tribunal be graciously pleased to hold that the action of the management in terminating the service of the concerned workman w.e.f. 1.2.90 is not justified and he is entitled to be reinstated with full back wages and consequential benefits.

3. The case of the management is that the concerned workman was a casual employee and was throughout employed as casual workman on a casual nature of job. His employment came to be terminated as soon as the casual nature of job came to end. Casual nature of employment does not confer a right upon a casual employee for employment as a regular employee. The nature of work entrusted to the concerned workman was of intermittent nature. The work done by the permanent staff is quite different from the nature of job performed by the employee concerned. A casual labourer may be given the benefits of two years continuous service as a casual labour if has put in at least 240 days of services/226 days in the case of office observing five days week of service as a casual labourer, including broken period of a service, during each of the two years of service. Casual workers are not eligible for regular employment and their services may be terminated any time. The concerned workman was not employed against any regular post. A casual worker have had to perform miscellaneous work of casual nature which varied from time to time. It has been submitted that the casual employment of the concerned workman came to an automatic end and was not terminated w.e.f. 1.2.90. It has also been submitted that there is no sanctioned post for such employment.

It has been prayed that this Hon'ble Tribunal be graciously pleased to hold that the action of the employer is justified and Shri Ravindra Kumar is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's writing statement.

5. The management produced MW-1, M.M. Koppar and NW-2, Dr. J.B. Tomar. Two documents have been proved on behalf of the management which have been marked as Exts. M-1 and M-2.

The concerned has not produced any oral evidence. Documents of the concerned workman have been proved and marked as Exts. W-1, W-1/2 and W-1/3.

6. No argument advanced on behalf of the concerned workman. From 7.10.2010 neither the concerned workman appeared nor any one appeared on his behalf.

Argument of the management has been heard.

Management's evidence shows that the concerned workman was doing permanent nature of job like weeding and harvesting. He was not employee of the management. He was given temporary job and no retrenchment notice

was given which entitled him compensation under the Industrial Disputes Act. Plant Genetic Research is not an 'Industry'. There is still vacancy in the category of post to which the workman has claimed for his reinstatement, as per Exts. W-1/1, W-1/2 and W-1/3 written by Dr. J.B. Tomar, MW-2.

MW-2 has stated that I am head of the department of Ranchi Unit of the Organisation. It has also been said in cross-examination and an award passed by the Tribunal as been implemented by our Organisation. It is clearly admitted case of the concerned workman he has worked for more than 240 days in a year and he has also filed muster roll, photo copy, which found his signature in Ext. M-2 bunch.

7. Considering the above facts and circumstances and evidence of MW-2, I hold that the action of the management of National Bureau of Plant Genetic Resources, Regional Station, Ranchi, in terminating the services of Shri Ravindra Kumar *w.e.f.* 1.2.90 is not justified. Accordingly, the concerned workman is entitled to be reinstated in service with 50% back wages. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H.M. SINGH, Presiding Officer.

नई दिल्ली, 25 जनवरी, 2012

कांगा 767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैनेजमेन्ट नेशनल थर्मल पावर कारपोरेशन प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोटा के पंचाट (संदर्भ संख्या-17/2008. को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.01.2012 को प्राप्त हुआ था।

[सं. एल-42011/28/2008-आईआर० (डी०य०)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2012

S.O. 767.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2008) of the Central Government Industrial Tribunal cum Labour Court Kota as shown in the Annexure, in the Industrial dispute between the Management National Thermal Power Corporation and their workman, which was received by the Central Government on 25.01.2012.

[No. L-42011/28/2008-IR (DU)]
RAMESH SINGH, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राजस्थान

पीठासीन अधिकारी- श्री प्रकाश चन्द्र पगारिया, आर०एच०ज०एस०

निर्देश प्रकरण क्रमांक : औ०न्या०-17/2008

दिनांक स्थापित: 25/7/08

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल० 42011/28/2008 आई०आर० (डी०य०) दिनांक 9/7/08

निर्देश/विवाद अंतर्गत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

अध्यक्ष, राष्ट्रीय ताप विद्युत निगम कर्मचारी संगठन नेशनल थर्मल पॉवर कारपोरेशन लिमिटेड अन्ता गैस विद्युत स्टेशन पोस्ट अन्ता जिला बारौं।

.....प्रार्थीगण श्रमिक यूनियन

एवं

जनरल मैनेजर, नेशनल थर्मल पॉवर कारपोरेशन लिमिटेड, अन्ता गैस विद्युत स्टेशन अन्ता जिला बारौं (राजस्थान)

.....अप्रार्थी नियोजक

उपस्थित

प्रार्थीगण श्रमिक की ओर से प्रतिनिधि: श्री बी०एम० मालव

अप्रार्थी नियोजक की ओर से प्रतिनिधि: श्री सुरेश माथुर

अधिनिर्णय दिनांक: 22/12/2011

अधिनिर्णय:

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने उक्त प्रासंगिक आदेश/अधिसूचना दि० 9/7/08 के जरिये निम्नलिखित निर्देश, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरात " अधिनियम " से संबोधित किया जायेगा) की धारा 10(1)(घ) के अंतर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

"Whether the demand of the Rashtriya Tap Vidyut Nigam Karamchari Sangathan for payment of bonus to them by the management of National Thermal Power Corporation from the year 2006-2007 is legal and justified? If yes, to what relief the workmen are entitled to?"

2. निर्देश/विवाद प्राप्त होने पर पंजीबद्ध उपरांत पक्षकारों को नोटिस/सूचना जारी कर अवगत करवाया गया।

3. प्रार्थी की ओर से अपना क्लैम स्टेटमेंट पेश किया गया जिसमें यह वर्णित किया गया प्रार्थी अप्रार्थी के संस्थान की मान्यताप्राप्त ट्रेड यूनियन है एवं प्रार्थी ने अपने सदस्य कर्मचारियों के लिए वर्ष 2006-07 के लिए बोनस की मांग अप्रार्थी के यहाँ रखी थी लेकिन अप्रार्थी ने प्रार्थी द्वारा रखी हुई मांग के अनुसार वार्षिक वेतन का 20% बोनस देने से इना कर दिया, जबकि यह पॉलिसी निदेशक मण्डल से अनुमोदित है। प्रार्थी ने यह मांग समझौता अधिकारी के यहाँ भी रखी परन्तु अप्रार्थी ने 20%

बोनस की मांग स्वीकार नहीं की, अतः अप्रार्थी द्वारा एकतरफा एक्सग्रेसिया की गणना का कोई आधार भी नहीं बताया जा रहा है, जिस राशि पर प्रार्थी यूनियन से समझौता केरवाना चाहता है। समझौता नहीं होने पर समझौता अधिकारी ने भारत सरकार को विवाद भेजा जिस पर यह प्रकरण दि. 9/7/08 को निर्देशित किया गया। अप्रार्थी के अन्ता गैस विद्युत स्टेशन सहित अन्य पॉवर स्टेशन में बोनस/एक्सग्रेसिया उत्पादन एवं उत्पादकता से जुड़ा रहता है जो धारा 31(ए) बोनस भुगतान अधिनियम के अंतर्गत ही है एवं वर्ष 1988-89 से नियमानुसार एक्सग्रेसिया/बोनस दिया जा रहा है। इसी आधार पर अप्रार्थी ने अपनी इकाइयों के ट्रेड यूनियन से बोनस के लिए एसीमेंट भी किया और बोनस के लिए एक फार्मला तैयार किया जो आगे क्लेम स्टेटमेंट में वर्णित किया गया जिसमें क्या मापदण्ड, किस हैसियत से कार्य-निष्पादन या आय-उपार्जन व किस हैसियत से बोनस या एक्सग्रेसिया दिया जायेगा, इसका उल्लेख किया गया। वर्ष 2006-07 में अन्ता गैस पावर स्टेशन परफोरमेंस जनरेशन/एम्प्लाईज रेशो 7.99% रही, प्लाट लोड फैक्टर 89.43% रहा, प्लाट एवेलेबिलिटी 90.09% रही, शुद्ध लाभ उत्कृष्ट तथा प्राप्तियाँ 100% रही। इस प्रकार निष्पादन के आधार पर अप्रार्थीगण वार्षिक वेतन का 20% एक्सग्रेसिया/बोनस प्राप्त करने के अधिकारी हैं। तथा देरी के कारण 20% एक्सग्रेसिया/बोनस प्राप्त करने के अधिकार हैं। इसके अलावा अप्रार्थी ने कुछ कर्मचारियों को एक्सग्रेसिया/बोनस के रूप में राशि का भुगतान कर दिया एवं कंपनी द्वारा एकतरफा इस राशि पर कोई विवाद नहीं था, प्रार्थी यूनियन के सदस्यों को नहीं दी गयी, जबकि कुछ कर्मचारी सेवानिवृत्त होने जा रहे हैं, कुछ स्थानान्तरित हो चुके हैं व कुछ की मृत्यु हो चुकी है इस कारण वे आर्थिक मुश्किल में हैं, अतः अन्तर्रिम अनुतोष के रूप में एकतरफा निर्धारित एक्सग्रेसिया/बोनस अप्रार्थी से तुरन्त दिलवाया जावे। अतः प्रार्थी यूनियन ने अपने क्लेम के माध्यम से वर्ष 2006-07 के लिए अप्रार्थी अन्ता गैस विद्युत स्टेशन के कर्मचारियों को अप्रार्थी से 20% की दर से बोनस/एक्सग्रेसिया दिलाये जाने के साथ ही इस पर देरी हुई तिथि से 18% व्याज भी दिलाये जाने की प्रार्थना की।

4. प्रार्थी के क्लेम स्टेटमेंट से अप्रार्थी को अवगत करवाया गया, उन्होंने अपना जल्दी ब पेश किया जिसमें यह वर्णित किया कि प्रार्थी मान्यता प्राप्त ट्रेड यूनियन होना तो स्वीकार है, परन्तु कर्मचारीगण बोनस प्राप्त करने के अधिकारी नहीं हैं क्योंकि अप्रार्थी संस्थान पर बोनस अधिनियम लागू नहीं होता, इस कारण से बोनस अदायगी बाबत कोई समझौता करने का प्रश्न ही पैदा नहीं होता तथा वर्ष 2006-07 के लिए भी बोनस का इस मामले से कोई लेना-देना नहीं है। इसके अलावा वर्ष 88-89 में बोनस के बाबत क्या समझौता हुआ, इसका भी इस विवाद से कोई लेना-देना नहीं है। अप्रार्थी के यहा धारा 31-ए बोनस भुगतान के प्रावधान लागू नहीं होते हैं। अप्रार्थी संस्थान में किसी भी कर्मचारी को बोनस की राशि नहीं दी गयी है तथा औद्योगिक विवाद अधिनियम में अन्तर्रिम अनुतोष के रूप में एकतरफा निर्धारित बोनस दिलाये जाने का कोई प्रावधान नहीं है। प्रार्थी यूनियन ने मैं नेशनल थर्मल पावर कोर्झ लिमिटेड के विरुद्ध यह विवाद उठाया है, जबकि इस नाम का कोई संस्थान नहीं है। जो संस्थान इस समय कार्यरत है, उस संस्थान का नाम एन०टी०पी०सी०लि० है। भारत सरकार ने नेशनल थर्मल पावर कोर्झ लिमिटेड के नाम से निर्देश भेजा है जो इस नाम की कोई संस्था नहीं है, अतः निर्देश में संशोधन कराये बांगे यह विवाद चलने योग्य नहीं है। प्रार्थी

कर्मचारीगण बोनस चाहते हैं या एक्सग्रेसिया, इस सम्बन्ध में दोनों कानून अलग-अलग हैं। केन्द्रीय सरकार को विवाद रेफर करने को कोई अधिकार नहीं है तथा बोनस भुगतान अधिनियम की धारा 2-A के अनुसार ऐसे कर्मचारी जिसका वेतन दस हजार रुपये प्रतिमाह से ज्यादा है, उन कर्मचारियों पर बोनस भुगतान अधिनियम के प्रावधान लागू नहीं होते हैं। अतः इस मामले में जिन कर्मचारियों ने यह विवाद उठाया है, उन सभी का दस हजार रुपये या उससे ज्यादा प्रतिमाह वेतन होने से इन कर्मचारियों पर बोनस भुगतान के प्रावधान लागू नहीं होते हैं। इसके अलावा एन०टी०पी०सी० कर्मचारियों व एन०टी०पी०सी०लि० के मध्य कोई विवाद उत्पन्न होता है तो उस विवाद को रेफर करने का अधिकार सिर्फ राज्य सरकार को है। राष्ट्रीय ताप विद्युत कर्मचारी संगठन को यह विवाद उठाने का कोई अधिकार नहीं है। अतः जवाब के माध्यम से अप्रार्थी ने प्रार्थना का क्लेम स्टेटमेंट खारिज किये जाने की प्रार्थना की।

5. इसके पश्चात् साक्ष्य प्रार्थी में डबल्यू०डबल्यू० 1 श्रीलाल मालब व डबल्यू०डबल्यू० 2 संजीव कपूर के शपथ-पत्र पेश हुए। दोनों गवाहों से अप्रार्थी की ओर से जिरह की गयी। प्रलेखीय साक्ष्य में प्रदर्श डबल्यू० 1 लगा० 12 तक के कागजात पेश किये गये। इसके पश्चात् साक्ष्य अप्रार्थी में एम०डबल्यू० 1 नरेश कुमार हसीजा का शपथ-पत्र पेश हुआ, प्रार्थी की ओर से उससे जिरह की गयी व प्रलेखीय साक्ष्य में प्रदर्श एम० 1 लगा०एम० 3 तक के कागजात भी पेश किये गये।

6. इसके पश्चात् उभयपक्ष की बहस सुनी गयी। बहस के दौरान प्रार्थना की ओर से दलील दी गयी कि पूर्व में अप्रार्थी ने एक पोलिसी प्रदर्श डबल्यू० 1 बनायी थी जिसमें किस आधार पर बोनस दिया जायेगा, इसके मापदण्ड आदि दिये गये, उसी आधार पर प्रार्थना बोनस की मांग कर रहे हैं। अप्रार्थी उस पोलिसी या नीतिगत निर्णय से परे नहीं जा सकता है। प्रबन्धन विगत समझौते से आबद्ध है एवं उसकी पालना नहीं कर रहा है, जबकि वह समझौता 2/11/94 से विबद्ध (E. stopped) है एवं अप्रार्थी का यह कृत्य अनुचित श्रम आचरण की तारीफ में आता है। अप्रार्थी ने जो एन०बी०सी० (राष्ट्रीय द्विपक्षीय समिति) बनायी है, उसका कोई वैधानिक दर्जा हासिल नहीं है, उसमें प्रार्थी यूनियन को आमंत्रित भी नहीं किया गया, अतः वह समझौता प्रार्थना की यूनियन पर लागू नहीं कहा जा सकता। अप्रार्थी ने किस पद्धति से बोनस/एक्सग्रेसिया/विशेष पुस्कार की घोषणा की है, इसका भी कोई खुलासा नहीं हुआ है। प्रार्थना 20% बोनस प्राप्त करने के अधिकारी हैं तथा इस राशि पर 18% व्याज भी प्राप्त करने के हकदार हैं। अप्रार्थी का यह कहना कि अप्रार्थी की फर्म राष्ट्रीय ताप विद्युत निगम ना होकर एनटीपीसी हो गयी है, इससे अप्रार्थी के दायित्व पर कोई प्रभाव नहीं पड़ा है। राष्ट्रीय ताप विद्युत निगम व एनटीपीसी, दोनों ही एक ही संस्था हैं। पूर्व में अप्रार्थी का पूरा नाम राष्ट्रीय ताप विद्युत निगम था, बाद में इसे संशोधित रूप में एनटीपीसी कर दिया गया है तो भी इससे संस्था के दायित्व आदि पर कोई प्रभाव नहीं पड़ा है। अप्रार्थी पर बोनस अधिनियम के प्रावधान लागू होते हैं। अतः अप्रार्थी को वर्ष 2006-07 के लिए प्रार्थना कमकारों को वार्षिक दर 20% बोनस मय देय तिथि से 18% व्याज के दिलाये जाने का आदेश दिया जावे। इस सम्बन्ध में उनकी ओर से निम्नलिखित न्यायनिर्णय भी उद्धृत किये गये:—

- (1) मैं० मोतीलाल पदमपत शुगर मिल्स कोर०लि० बनाम उत्तर प्रदेश राज्य व अन्य-(1979)2 एस०सी०सी० 409-इस

न्यायनिर्णय भी में यह प्रतिपादित किया गया कि वचनात्मक विबद्धता (E. stoppel) का सिद्धांत किन परिस्थितियों में लागू होता है, उसकी क्या प्रकृति, क्षेत्र एवं कहाँ विस्तार होता है, इस बाबत स्थिति विवेचित की गयी है एवं इसमें सरकार पर भी ऐसा सिद्धांत लागू किया जा सकता है, ऐसा प्रतिपादित किया गया है।

- (2) राजस्थान वित्त निगम ओफिसर्स एसोसियेशन बनाम राजवित्त निगम एवं अन्य - राज्य उच्च न्यायालय के निर्णय दिं 5/9/88 को भी उद्धृत किया गया—इस न्यायनिर्णय में वित्त निगम के कर्मकारों को 20% एक्सग्रेसिया राशि दिये जाने का आदेश दिया गया है।

7. इसके अलावा प्रार्थीगण की ओर से एनटीपीसी लि¹ के मजदूरों के पुनरुक्तिकरण बाबत एक पत्र दिं 7/7/10 की प्रति पेश की व जुलाई, 2007 माह की कुछ कर्मचारियों की पे-स्लिप्स भी पेश की गयी।

8. अतः प्रार्थीगण की ओर से ऊपर दी गयी दलीलों व न्यायनिर्णयों को उद्धृत करते हुए यह प्रकट किया गया कि प्रार्थीगण की समस्त दस्तावेजी व मौखिक साक्ष्य से मामला साबित है, अतः उन्हें निर्देश (रिफ्रेन्स) में वांछित अनुतोष प्रदान किया जावे।

9. इसके विपरीत अप्रार्थी की ओर से दलील दी गयी कि प्रार्थीगण यूनियन का रुख हमेशा हठधर्मिता की तरह रहा है। इसके अलावा वर्तमान में राष्ट्रीय ताप विद्युत निगम अस्तित्व में नहीं है, एनटीपीसी अस्तित्व में है, जबकि रिफ्रेन्स राष्ट्रीय ताप निगम के विरुद्ध हुआ है, अतः यह रिफ्रेन्स चलने योग्य नहीं है। प्रार्थीगण के मामले में अप्रार्थी पर बोनस अधिनियम के प्रावधान भी लागू नहीं होते हैं। इस सम्बन्ध में उनकी ओर से बोनस अधिनियम की धारा 10 व 31-ए तथा बोनस भुगतान संशोधन अध्यादेश 2007 को उद्धृत किया गया। अप्रार्थी की ओर से यह भी दलील दी गयी कि जिस पत्र प्रदर्श डब्ल्यू 5 को प्रार्थीगण आधार मान रहे हैं वह तो केवल एक वर्ष की अवधि के लिए ही था तथा उस पत्र में प्रार्थीगण की यूनियन शामिल भी नहीं हुई थी, अतः वे उसका सहारा नहीं ले सकते हैं। प्रार्थीगण किस आधार पर बोनस की मांग कर रहे हैं, ऐसा उन्होंने कोई समझौता भी पेश नहीं किया। धारा 31-ए बोनस अधिनियम में तो कोई लिखित में समझौता होना आवश्यक है परन्तु इस मामले में ऐसा कोई समझौता नहीं हुआ है। इसके अलावा एनटीपीसी में जितनी भी यूनियनें शामिल होती हैं, उनकी सहमति के आधार पर ही बोनस या एक्सग्रेसिया की घोषणा की जाती है। कोई यूनियन सहमत भी नहीं होती है तो कोई अलावा से समझौता नहीं किया जा सकता। प्रदर्श डब्ल्यू 1 में भी 20% एक्सग्रेसिया प्रतिवर्ष दिया जायेगा, ऐसा उल्लेख नहीं है एवं बोनस अधिनियम की धारा 10 के तहत यदि बोनस दिया जाता है तो विना समझौते के अभाव में न्यूतम 8.33% बोनस दिया जाना लाजिमी होता है एवं उससे अधिक का बोनस देने पर उन सभी आधारों को पूरा लेखा-जोखा विचरित किया जाता है कि जिसमें संस्थान में कितना उत्पादन हुआ, क्या लागत आयी तथा कितनी बिक्री हुई तथा शुद्ध लाभ कितना हुआ एवं अब उस आधार पर कितना % बोनस या एक्सग्रेसिया दिया जा सकता है। हस्तगत मामले में ऐसी कोई स्थिति प्रकट नहीं हुई है, अतः प्रार्थीगण की समस्त दलीलें आधारहीन हैं। इसके अलावा प्रार्थीगण ने

वर्ष 2006-07 से पहले के सभी वर्षों का व उसके बाद के सभी वर्षों का एक्सग्रेसिया या विशेष पुरस्कार या बोनस आदि प्राप्त कर लिया। इससे भी यह स्पष्ट जाहिर होता है कि उन्हें इस एक्सग्रेसिया या विशेष पुरस्कार बाबत कोई आपत्ति नहीं थी तथा जब दूसरी यूनिटें के कर्मचारियों ने तो वर्ष 2006-07 का भी एक्सग्रेसिया या विशेष पुरस्कार प्राप्त कर लिया है तो प्रार्थीगण भी प्रबन्धन के समक्ष अपना घोषणा-पत्र भरकर प्राप्त कर सकते हैं, प्रबन्धन आज भी उन्हें देने के लिए तैयार है जोकि अन्य कर्मचारियों को दिया गया। अतः प्रार्थीगण जो मांग इस रिफ्रेन्स में कर रहे हैं वह कर्तव्य न्यायोचित नहीं है व इस सम्बन्ध में उनकी ओर से निम्न न्यायनिर्णय उद्धृत किये गये:—

- (1) पोटरी मजदूर पंचायत बनाम दी—परफेक्ट पोटरी कंपनी एवं अन्य-एआईआर एससी० 1356—इस मामले में यह प्रतिपादित किया गया कि औद्योगिक न्यायाधिकरण रिफ्रेन्स की शर्तों से परे जाकर कोई विनिश्चय नहीं कर सकता है।
- (2) शौकत अली एवं अन्य बनाम एकोनोमिक इंजीनियरिंग कोर. एवं अन्य-2003(99) एफ.एल.आर.1114) बाब्बे उ. न्या। इस मामले में यह प्रतिपादित किया गया है कि जहाँ पक्षकार किसी मसझौते पर पहुंच जाता है तो फिर उसके बाद में अधिनियम के लिए मामला कोई शेष नहीं रहता है।
- (3) कॉफी बोर्ड एम्प्लाईज एसो. बनाम ए.सी. शिवेगोवडा व अन्य-1992 लेब. आई.सी. 2492 (एस.सी.)—इस मामले में प्रतिपादित किया गया कि जहाँ कॉफी बोर्ड द्वारा अपने कर्मचारियों को बोनस के बजाय एक्सग्रेसिया का भुगतान किया गया तो ऐसे मामलों में क्या बोनस अधिनियम के प्रावधान लागू होते हैं या नहीं, यह तथ्य असंगत हो जाता है।
- (4) कमिशनर आफ इनकमटैक्स, वेस्ट बंगाल बनाम होलमेन क्लाईमेक्स मैनी. लिमि. कलकत्ता-1991 लेब. आई.सी. 2195 (कलकत्ता उ. न्या.)—इस मामले में प्रतिपादित किया गया कि मासिक उत्प्रेरक बोनस व विशेष उत्प्रेरक बोनस, दोनों के भुगतान को बोनस अधिनियम के तहत भुगतान नहीं माना जा सकता।
- (5) यादा इंजीनियरिंग एण्ड लोकार्मेटिव कं.लि. एवं उनके श्रमिकगण-ए.आई.आर. 1981 एस.सी. 2163—इस मामले में प्रतिपादित किया गया कि जहाँ अधिकांश श्रमिकों की यूनियन व प्रबन्धन के बीच समझौता हो जाता है तो समझौता केवल इस कारण से अनुचित नहीं माना जा सकता कि कुछ कर्मकारों द्वारा उसमें भाग लेने से इन्कार कर दिया गया।
- (6) हरबर्टसन लिमि. बनाम उसके कर्मकार-ए.आई.आर 1977 एस.सी. 322—इस मामले में प्रतिपादित किया गया कि किसी भी समझौते को पृथक-पृथक भागों में स्वीकार या अस्वीकार नहीं किया जा सकता, अपितु पूरा की स्वीकार या अस्वीकार किया जाना होता है। समझौते के किसी एक भाग के सम्बन्ध में आपत्ति उठाना उचित नहीं कहा जा सकता है।

10. अतः उपरोक्त न्यायनिर्णयों को उद्धृत करते हुए व दलीलें देते हुए उन्होंने प्रार्थीगण का क्लेम खारिज किये जाने की प्रार्थना की।

11. अब इस मामले में जहां तक अप्रार्थी द्वारा दो मुख्य दलीलें इस रेफ़ेन्स के सम्बन्ध में इसकी पोषणीयता बाबत उत्तरी गयी है। प्रथम तो यह कि राष्ट्रीय ताप विद्युत निगम वर्तमान में अस्तित्व में नहीं है बल्कि एनटीपीसी अस्तित्वमें है एवं रेफ़ेन्स राष्ट्रीय ताप विद्युत निगम के विरुद्ध हुआ है। इस सम्बन्ध में इस न्यायाधिकरण का यह अभिमत है कि जहां प्रबन्धन ने या केन्द्रीय सरकार ने इस संस्थान का पूर्व का नाम नेशनल थर्मल पावर कोरपोरेशन लिमिटेड या राष्ट्रीय ताप विद्युत निगम से बदलकर या संशोधित कर उसे छोटे रूप में “एनटीपीसी” कर दिया है तो इससे संस्था की देयता, दायित्वों या जिम्मेदारियों पर विपरीत असर नहीं पड़ जाता है। कई बार एक निगम या शासन अपने नाम या संविधान में संशोधन कर देता है तो इससे कर्मचारियों की सेवा-शर्तों या उनके सम्बन्ध में देय दायित्वों पर कोई असर नहीं पड़ता है एवं यह एक ऐसा तथ्य भी नहीं कि जिससे पूरा ही भागला पोषणीय नहीं हो जाता है या ऐसी स्थिति पैदा हो जाती है। एनटीपीसी का भी पूरा नाम नेशनल थर्मल पावर कौर लिमिटेड है न कि अन्य नाम। अतः न्यायाधिकरण इस दलील में कोई बल महसूस नहीं करता है कि अप्रार्थी का नाम एनटीपीसी हो जाने से यह रेफ़ेन्स चल नहीं सकता।

12. अब एक दूसरी दलील अप्रार्थी की ओर से यह दी गयी कि प्रार्थीगण जो मामला लेकर आये हैं, उनके मामले में बोनस अधिनियम के प्रावधान लागू नहीं होते हैं एवं इस संबंध में उन्होंने बोनस भुगतान संशोधन अध्यादेश 2007 को उद्धृत किया। इसमें धारा 2 में यह वर्णित किया गया कि पूर्व में जो 3500/- रु की सीमा था उसे अब 10,000/- रु तक प्रतिस्थापित कर दिया गया। अर्थात् पूर्व में बोनस प्राप्त करने की जो अधिकतम सीमा 3500/- रु थी उसे 10,000/- रु कर दिया गया। यह अध्यादेश 27/10/2007 को जारी हुआ है एवं वर्ष 2006-07 के लिए अप्रार्थी ने जो आदेश कर्मचारियों के विशेष पुरस्कार बाबत जारी किया थो 13/10/07 को किया। अतः स्पष्ट है कि यह अध्यादेश अप्रार्थी के वर्ष 2006-07 के लिए विशेष पुरस्कार के आदेश जारी होने के बाद में प्रभावशाली हुआ है। अतः ऐसी परिस्थिति में इस अध्यादेश के आधार पर अप्रार्थी का यह कथन कि इन प्रार्थीगण का वेतन 10,000/- रु से ज्यादा होने से बोनस प्राप्त करने के अधिकारी नहीं हैं, सारहीन हो जाता है। इसके अलावा अप्रार्थी के स्वयं के आदेश प्रदर्श डब्ल्यू 5 व डब्ल्यू 7 के पैरा सं 3 में वर्णित तथ्य कि यह विशेष पुरस्कार एक्सग्रेसिया या बोनस को सम्मिलित करते हुए दिया जा रहा है, अर्थात् जो कर्मचारी बोनस या एक्सग्रेसिया प्राप्त करने के अधिकारी हैं उनको शामिल करते हुए यह विशेष पुरस्कार (Special reward) वर्ष 2006-07 के लिए घोषित किया जा रहा है। अतः इससे भी स्पष्ट है कि जो कर्मचारी बोनस प्राप्त करने के हकदार हैं, उनको भी इस आदेश की सीमा में लाकर विशेष पुरस्कार में वह राशि भी सम्मिलित कर ली गयी। अतः अप्रार्थी की यह दलील की प्रार्थीगण पर बोनस अधिनियम के प्रावधान लागू नहीं होते हैं, स्वीकार किये जाने योग्य नहीं हैं। इसके अलावा कर्मकारों की अलग-अलग श्रेणियां बतायी गयी हैं एवं हर कर्मकार बोनस अधिनियम के दायरे में नहीं आता है, यह तथ्य भी स्वयं अप्रार्थी द्वारा प्रस्तुत स्टेटमेन्ट

प्रदर्श एम. 1 से जाहिर नहीं होता है। अतः बोनस अधिनियम के प्रावधान का इस संस्थान पर लागू नहीं होने का तथ्य सारहीन हो जाता है।

13. अब प्रार्थीगण द्वारा इस मामले में 20% बोनस की मांग की गयी है। बोनस की मांग का आधार उन्होंने पूर्व में वर्ष 1995 में अप्रार्थी द्वारा बोनस के सम्बन्ध में जारी पोलिसी प्रदर्श डब्ल्यू. 1 व डब्ल्यू. 2 का अवलम्बन किया है। इन दोनों का अवलोकन किया जावे तो इनमें एक्सग्रेसिया भुगतान, उत्पादन से सम्बन्धित होने के कुछ मापदण्ड तय किये गये तथा इनमें जो कर्मचारी बोनस प्राप्त करने के दायरे में नहीं आते हैं उनको भी सम्मिलित करते हुए एक्सग्रेसिया शब्द काम में लेते हुए यह प्रोत्साहन राशि दिये जाने की नीति तय की गयी। यह पत्र 2/11/94 को जारी किया गया है। इसी पत्र के आधार पर बाद में 11 सितम्बर, 1995 को प्रबन्धन व कर्मकारों के बीच द्विपक्षीय वार्ता प्रदर्श डब्ल्यू. 2 हुई। इसमें उत्पादकता से सम्बन्धित विशेष वेतन या बोनस आदि दिये जाने का उल्लेख किया गया। साथ ही साथ इसके अन्त में यह भी स्पष्ट किया गया कि यह समझौता एक वर्ष के लिए लागू किया जा रहा है, भविष्य के लिए भारत सरकार की अनुमति मिलने पर वर्ष दर वर्ष के आधार पर एक्सग्रेसिया भुगतान का विनिश्चय किया जायेगा। अतः इस भाषा से यह स्पष्ट है कि यह समझौता केवल मात्र वर्ष 1994-95 के लिए ही था। उसके आगे के लिए तो भारत सरकार से अनुमति मिलने पर लागू किया जाना था। अर्थात् यह समझौता हमेशा के लिए मान्य हो गया हो, ऐसा इस समझौते की भाषा से प्रकट नहीं होता है। अतः प्रार्थीगण इस समझौते को आधार बनाकर भी जो वर्ष 2006-07 के लिए मांग कर रहे हैं, उस सम्बन्ध में भी कहीं उनकी ओर से यह प्रकट नहीं किया गया कि भारत सरकार ने वर्ष 2006-07 के लिए भी इसी समझौते के अनुरूप विशेष पुरस्कार या इनाम इस समझौते के आधार पर दिये जाने की अनुमति दे दी हो। अतः इस समझौते के आधार पर वर्ष 2006-07 के लिए प्रार्थीगण द्वारा बोनस या विशेष वेतन की मांग किया जाना विधिसम्मत नहीं कहा जा सकता।

14. प्रार्थीगण के गवाह डब्ल्यू. डब्ल्यू. 1 श्रीलाल मालव ने अपनी जिरह में कथन किया कि शपथ-पत्र में मैंने जो अनुसूची बतायी उसके अनुसार हम लोगों को भुगतान मिलाना चाहिए एवं इस अनुसूची बाबत हमारी यूनियन से प्रतिपक्षी के मध्य एग्रीमेंट हुआ था एवं उस एग्रीमेंट की प्रति हमारे द्वारा न्यायालय की पत्रावली पर पेश नहीं की गयी। यदि ऐसी अनुसूची बाबत कोई समझौता प्रार्थी व अप्रार्थी के मध्य हुआ है तो निश्चित रूप से प्रार्थीगण को अपने क्लेम स्टेटमेन्ट के समर्थन में पेश करना चाहिए था, परन्तु उनके द्वारा पेश नहीं किये जाने से यह तथ्य भली-भांती साबित हो जाता है कि ऐसा कोई समझौता प्रार्थीगण व अप्रार्थी के मध्य नहीं हुआ एवं यदि ऐसा समझौता हुआ भी होता तो शायद ही प्रार्थी अपने पास रखते अपितु अवश्य न्यायाधिकरण में पेश करते। अब इसी गवाह ने आगे जिरह में कथन किया कि यह सही है कि वर्ष 2006-07 के पहले एवं उसके बाद का हम भुगतान ले चुके हैं तो फिर प्रश्न यह पैदा होता है कि वर्ष 2006-07 के पहले के एवं इसके बाद के भुगतान को उन्होंने किस आधार पर व किस समझौते के आधार पर प्राप्त किया, ऐसा कोई खुलासा प्रार्थीगण द्वारा नहीं किया गया। अतः इससे स्पष्ट जाहिर होता है कि प्रार्थीगण ने जो भी विशेष वेतन के रूप में

अप्रार्थी द्वारा घोषित किया गया है वह उन्होंने ले लिया है एवं उसमें प्रदर्श डब्ल्यू. 1 व डब्ल्यू. 2 को ही आधार माना है, ऐसा किंचित मात्र भी प्रकट नहीं होता। इसी गवाह ने आगे जिरह में कथन किया कि वर्ष 2006-07 के लिए एक्सग्रेसिया हमारी यूनियन के अलावा दूसरी यूनियन प्राप्त कर लिया। अतः जब एक ही संस्थान में अलग-अलग यूनियन हैं तो हर यूनियन के लिए अलग-अलग बोनस या एक्सग्रेसिया या विशेष पुरस्कार के लिए समझौता नहीं हो सकता है, क्योंकि सभी कर्मकारों के कार्य के फलस्वरूप संस्थान में उत्पादन होता है। अतः ऐसे में अलग-अलग यूनियन के आधार पर बोनस या एक्सग्रेसिया या विशेष पुरस्कार का वेतन निर्धारण नहीं किया जा सकता। प्रार्थीगण के अन्य गवाह संजीव कपूर ने भी वर्ष 2006-07 के लिए बोनस/एक्सग्रेसिया की मांग उनकी यूनियन द्वारा किये जाने का कथन अपने शपथ-पत्र में किया है। किन्तु जिरह में इस गवाह ने कथन किया कि प्रदर्श डब्ल्यू. 1 के अतिरिक्त न्यायालय की पत्रावली में ऐसा कोई दस्तावेज पेश नहीं किया गया कि जिसमें यूनियन व प्रबन्धन के मध्य यह तय किया गया हो कि 25% बोनस दिया जायेगा। अतः इस स्वीकारोक्ति से ही स्पष्ट है कि वर्ष 2006-07 के लिए प्रार्थीगण यूनियन से अप्रार्थी का कोई समझौता हुआ हो, कर्तई साक्षित नहीं होता है। इसी गवाह ने आगे जिरह में कथन किया कि 12/10/07 को एनबीआर्सी० में समझौता हमारी यूनियन के बीच में नहीं हुआ। हमारी यूनियन के बीच समझौता हुआ या नहीं, मुझे पता नहीं। मुझे इस बात का भी मालूम नहीं है कि हमारी यूनियन के अलावा अन्य यूनियन वालों ने बोनस प्राप्त कर लिया हो। इस गवाह ने यह भी कथन किया कि मैं प्रार्थी यूनियन के महासचिव के पद पर हूं तथा वर्ष 1999 से एनबीआर्सी० में जो समझौते होते हैं, उनमें जाता हूं।

15. अतः इस गवाह के बयान से भी यह स्पष्ट है कि यह गवाह स्वयं राष्ट्रीय द्विपक्षीय समिति जिसे लघु रूप में एनबीआर्सी० (National Bipartite Committee) कहा जाता है, उसमें जाता है एवं कहाँ पर भी इस गवाह द्वारा वर्ष 2006-07 के लिए प्रार्थीगण व अप्रार्थी के मध्य 20% या 25% बोनस दिये जाने का समझौता हुआ हो, ऐसा उल्लेख नहीं करता है तो फिर किस आधार पर इस अवधि के लिए 20% बोनस की मांग की जा रही है, यह तथा प्रार्थीगण प्रकट नहीं कर पाये हैं। अप्रार्थी के गवाह नरेश कुमार हसींजा ने जिरह में कथन किया कि वर्ष 2006-07 के लिए प्रबन्धन और सभी यूनियनों से समझौता हुआ था, अन्ता यूनियन से अलग से कोई समझौता नहीं हुआ तथा स्पेशल रिवार्ड के सम्बन्ध में जो आदेश जारी हुआ है उनमें सभी यूनियन के प्रतिनिधि व अधिकारी मौजूद थे तथा इस वर्ष के लिए एनटीपीसी की सभी यूनिटें में स्पेशल रिवार्ड का पेमेन्ट कर्मकारों के खातों में जमा करा दिया गया है, परन्तु अन्ता यूनिट के प्रतिनिधियों द्वारा नहीं लेने से उनके खातों में जमा नहीं करवाया है तथा हमारी अन्ता के भी अन्य यूनियनों वालों ने जिन्होंने कि इस रिवार्ड को स्वीकार किया है, उनको भुगतान किया है। इस गवाह के बयान से भी स्पष्ट है कि एनटीपीसी की अन्ता यूनिट को छोड़कर शेष सभी इकाईयों में जो स्पेशल रिवार्ड वर्ष 2006-07 के लिए प्रबन्धन ने घोषित किया था, उन्हें भुगतान किया जा चुका है। अन्ता इकाई के भी उन यूनियन वालों को भुगतान किया जा चुका है जिन्होंने उसे स्वीकार किया है।

16. जैसा कि हमारे द्वारा ऊपर वर्णित किया जा चुका है कि एक ही संस्थान द्वारा अपने कर्मकारों के लिए एक ही विशेष ईनाम या बोनस

या एक्सग्रेसिया की घोषणा होगी, ना कि हर यूनियन के लिए अलग-अलग। अतः यदि जहां अधिकांश यूनियनों ने उस समझौते को स्वीकार कर लिया है तो फिर एक यूनियन द्वारा स्वीकार नहीं किये जाने से पूरे ही द्विपक्षीय समझौते को प्रभावहीन नहीं बनाया जा सकता है।

17. मामले में प्रार्थीगण की ओर से एक दलील यह भी दी गयी कि राष्ट्रीय द्विपक्षीय समिति का वैधानिक कोई अस्तित्व नहीं है। इस सम्बन्ध में इस न्यायाधिकरण का अभिमत है कि यह प्रबन्धन एवं कर्मकारों के स्तर पर आपसी विवादों या मामलों को निपटाने का एक सुलभ व आसान तरीका है जिसमें दोनों पक्ष बात-चीत के द्वारा किसी समस्या का निराकरण करते हैं एवं जो भी बात-चीत से निराकरण होता है उसी के अनुसार आगे कार्यवाही की जाती है एवं इसमें कोई अनुचितता भी नहीं है। प्रार्थी यूनियन के गवाह संजीव कपूर ने भी जिरह में स्वीकार किया है कि वह भी इस द्विपक्षीय वार्ता में जाता है। अतः इससे स्पष्ट है कि यह मामले के निराकरण का एक अच्छा मन्त्र एवं तरीका है एवं यदि इसकी वैधानिकता को ही चुनौती दे रहे हैं तो फिर प्रथार्थीगण इनमें क्यों जा रहे हैं, यह तथ्य अपने आपमें स्वयं विचारणीय हो जाता है।

18. मामले में प्रार्थीगण की ओर से एक दलील यह भी दी गयी कि प्रदर्श डब्ल्यू. 12 में अप्रार्थी ने यह स्वीकार किया कि बोनस या अनुग्रह राशि का भुगतान, बोनस भुगतान अधिनियम की धारा 31-ए के उपबन्धों के अनुसार किया गया है। इस सम्बन्ध में यह न्यायाधिकरण स्पष्ट करना चाहेगा कि प्रदर्श डब्ल्यू० 1 व डब्ल्यू० 2 में इस बाबत स्थिति स्पष्ट कर दी गयी है कि कौन कर्मचारी बोनस भुगतान प्राप्त करने के अधिकारी बनते हैं एवं कौन कर्मचारी बोनस भुगतान के अधिकारी इस अधिनियम में ऊपरी सीमा वर्णित कर दिये जाने से नहीं बनते हैं। परन्तु संस्थान के उत्पादन में सभी कर्मचारियों का योगदान होता है, अतः इस लिहाज से सभी कर्मचारियों को लाभ प्राप्त हो, इस हिसाब से बोनस प्राप्त करने वाले कर्मचारियों को व अन्य कर्मचारियों को मिलाकर अनुग्रह राशि या विशेष पुरस्कार राशि की घोषणा की जाती है ताकि सभी पक्ष लाभ प्राप्त कर लेवें एवं इसीलिए प्रबन्धन ने अपने आदेश में स्पष्ट लिखा कि यह जो विशेष पुरस्कार दिया जा रहा है, उसमें वह राशि भी सम्मिलित है जो कर्मकार बोनस या अनुग्रह राशि प्राप्त करने के अधिकारी हैं। अतः अब इस बाबत भी कोई विवाद की स्थिति नहीं रहती है।

19. मामले में बोनस भुगतान के सम्बन्ध में अप्रार्थी की ओर से यह दलील दी गयी कि बोनस अधिनियम की धारा 10 के तहत तो नियोक्ता पर 8.33: न्यूनतम बोनस राशि दिये जाने का दायित्व है एवं उससे ज्यादाराशि बोनस के रूप में तभी दी जा सकती है जबकि संस्थान ने उस सुसंगत वर्ष में उसी अनुरूप लाभ कमाया हो। वहां दूसरी और धारा 31-ए में तो पक्षकारों के मध्य समझौते के आधार पर बोनस जोकि उत्पादकता या उत्पादन से सम्बन्धित होता है, घोषणा की जाती है। अर्थात् धारा 31-ए के तहत समझौते के आधार पर भुगतान किया जाता है एवं धारा 10 में विधिक बाध्यता के रूप में भुगतान किया जाता है। उनकी इस दलील को देखा जावे तो हस्तगत मामले में तो प्रबन्धन द्वारा जो विशेष अनुग्रह राशि या ईनाम के रूप में घोषणा की गयी है, वह समझौते के आधार पर ही किया जाना प्रकट होता है क्योंकि स्वयं प्रार्थीगण के गवाह ने जिरह में स्वीकार कर लिया कि प्रार्थी यूनियन के अलावा

अन्य सभी यूनियन वालों ने इस घोषित अनुग्रह राशि या विशेष पुरस्कार को स्वीकार कर लिया है। अतः अब यदि एक यूनियन उसे स्वीकार भी नहीं करती है तो उस पूरे ही समझौते को या पूरी घोषणा को अलग-अलग रूप में खण्डित या विभाजित नहीं किया जा सकता है। अप्रार्थी द्वारा जो न्यायनिर्णय “हरबर्टसन लिमिड बनाम उनके कर्मकारों” का उद्दृत किया गया है, उसमें भी यही सिद्धांत प्रतिपादित किया गया है।

20. अतः ऊपर किये गये समस्त विवेचन के आधार पर इस न्यायाधिकरण की राय में सर्वप्रथम तो प्रार्थीगण यूनियन जिस समझौते को आधार रूप में लेकर वर्ष 2006-07 के लिए बोनस की मांग कर रही है, वह समझौते उस सुसंगत वर्ष के लिए प्रभावशील ही नहीं है। अन्य कोई समझौता प्रार्थीगण यूनियन व अप्रार्थी के मध्य हुआ हो, ऐसा कोई समझौता भी पेश नहीं किया गया है। प्रार्थीगण यूनियन के अलावा अन्य सभी यूनियन वालों ने इस वर्ष के लिए अप्रार्थी द्वारा घोषित बोनस स्वीकार कर लिया है, अतः ऐसे में अलग-अलग यूनियन के लिए अलग-अलग बोनस या अनुग्रह राशि या विशेष पुरस्कार की घोषणा किया जाना कठई विधिसम्मत नहीं है। प्रार्थीगण यूनियन द्वारा इस वर्ष को छोड़कर इसके पहले व इसके बाद के वर्षों में भी अप्रार्थी द्वारा बोनस या विशेष अनुग्रह राशि या विशेष पुरस्कार को स्वीकार किये जाने से भी यह स्पष्ट हो जाता है कि प्रार्थीगण यूनियन भी जो एनबीसी में अन्य यूनियनों द्वारा समझौता किया गया है, उसी अनुरूप उस राशि को स्वीकार करती आयी है। अतः केवल वर्ष 2006-07 के लिए ही प्रदर्श डबल्यू१ व डबल्यू२ के आधार पर 20% बोनस की राशि की मांग किया जाना कठई तर्कसंगत या विधिसम्मत नहीं है। इसी प्रकार जहां तक 18% व्याज का स्वातंत्र्य है, उस राशि पर कोई व्याज दिलाये जाने का प्रावधान नहीं है। अप्रार्थी यह राशि पूर्व में ही अदा करने के लिए तैयार था व आज भी अदा करने के लिए तैयार है। अतः इन परिस्थितियों में व्याज का भी कोई प्रश्न ऐसे मामले में पैदा नहीं होता है। अतः ऐसे में रेफ्रेन्स नकारात्मक रूप से उत्तरित होने योग्य है।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली के द्वारा अपने आदेश सं. एल. 42011/28/2008 (आईआर) डीयू (दि. 9/7/08 के द्वारा सम्प्रेषित निर्देश/विवाद में राष्ट्रीय ताप विद्युत नियम कर्मचारी संगठन) प्रार्थीगण यूनियन) द्वारा वर्ष 2006-07 के लिए उनके प्रबन्धन से क्लोम स्टेटमेन्ट के अनुसार 20: अनुग्रह राशि या बोनस की मांग करना उचित, तर्कसंगत व विधिसम्मत नहीं कही जा सकती एवं प्रार्थीगण यूनियन भी वही राशि प्राप्त कर सकती है जोकि अप्रार्थी ने वर्ष 2006-07 के लिए अन्य यूनियनों या अन्य इकाई के कर्मकारों को अनुग्रह राशि, बोनस या विशेष पुरस्कार के रूप में भुगतान की है, इसी अनुरूप उत्तरित किया जाता है।

अधिनिर्णय आज दिनांक 22/12/2011 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

प्रकाश चन्द्र पगारीया,
न्यायाधीश

नई दिल्ली, 25 जनवरी, 2012

का०आ० 768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०बी०एस०बी० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण न० 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 220/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/01/2012 को प्राप्त हुआ था।

[सं. एल-23012/55/1997-आई आर (सी-II)]
डी०एस०एस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th January, 2012

S.O. 768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 220/2005) of the **Central Government Industrial Tribunal-cum-Labour Court No.-2, Chandigarh** as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **BBMB** and their workman, which was received by the Central Government on 27/01/2012.

[No. L-23012/55/1997-IR (C-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri A.K. Rastogi, Presiding Officer.

Case No. I.D. 220/2005

Registered on 3.8.2005

Shri Jagdish Ram, S/o Kanshi Ram, Village Barati, Anandpur Sahib, Distt. Roper.

Petitioner

Versus

The Chief Engineer, Bhakra Dam, Nangal Township, Distt. Roper (Punjab) Ropar.

Respondent

APPEARANCES

For the workman Sh. R.K. Singh Parmar Advocate.

For the Management Shri Bhagat Singh Law Officer

AWARD

Passed on Jan. 04, 2012

Central Government vide Notification No. L-23012/55/97/IR(CM-II) Dated 05/10.11.1998, by exercising its power under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following

Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bhakra Dam represented through the Chief Engineer, Bhakra Dam, Nangal Township, Distt. Ropar (Punjab) in terminating the services of Sh. Jagdish Ram, S/o Sh. Kanshi Ram, w.e.f. 30.9.1988 is justified? If not, to what relief the concerned workman is entitled to and from which date?"

The claimant has raised an industrial dispute by stating that he was employed in the Water Supply and Sanitation Sub-Division of the respondent, which is a registered factory under the Indian Factories Act, since 1984 till his termination in September 1988. He was not allowed to work beyond 28 days in a month and after every two months a break for one month or of months together was put in his service to debar him from claiming 240 days continuous services. His services were terminated in violation of Section 25N of the Act. It has been further pleaded that the respondent has not maintained any seniority list and junior were retained and regularized. Claimant also pleaded that he was not called for re-employment per provision of Section 25H of the Act and the respondent in terminating the service has adopted unfair labour practice. He has claimed his reinstatement with full back wages and all attendant benefits.

Respondent in its reply has admitted the employment of the claimant as unskilled mazdoor on daily wages in BC & township Division, Nangal Township w.e.f. July, 1984 to August, 1988 intermittently for a specific seasonal/casual work as per field requirement. According to respondent services of claimant were not required after completion of specific work for which he had been deployed. It was also pleaded that the claimant left the work of his own accord without any intimation. It was denied that any fresh hands were deployed and any junior was retained. Regarding the maintenance of seniority list it was contended that the seniority list was maintained as per policy framed in pursuance of the instructions issued by the Hon'ble High Court of Himachal Pradesh in **CWP No.27/88 Ram Pyari and others Vs. BBMB** w.e.f. 1.4.1988 of those daily rated workmen only who had worked continuously for 120 days in the preceding six months from 1.4.1988. The claimant was not in continuous employment from 1.10.1987 to 31.3.1988 as such his name was not required to be included in the seniority list. It was also contended that the claimant had not completed 240 days service in 12 consecutive months and so he was not entitled to any retrenchment compensation or notice and his claim is not tenable.

It may be noted that the claimant has stated his employment in factory and has alleged the violation of Section 25N of the Act regarding the termination of his service. He has not alleged the violation of Section 25F of the Act and has stated in the claim statement itself that after every two months there was a break of one month or

months together in his service to debar him from completing 240 days continuous service. He has further alleged the violation of Section 25G and 25H of the Act and adoption of unfair labour practice on the part of the management in terminating his service. But violation of Section 25H of the Act is beyond reference as the dispute referred for adjudication is the termination of the service and not the denial of right of re-employment. thus the following issues arise for consideration in this matter.

1. Whether the claimant was employed in a factory and his services were terminated in violation of Section 25N of the Act?
2. Whether the services of claimant were terminated in violation of Section 25G of the Act?
3. Whether the management is guilty of adopting unfair labour practice in terminating the service of the claimant?
4. To what relief the claimant is entitled?

In support of his claim the workman filed his affidavit and gave his statement while on behalf of management Maminder Singh filed his affidavit and gave his statement and on the application of claimant produced certain record.

The authorized representative of the parties have filed their written arguments. I have gone through the written arguments of the authorized representatives and also evidence on record. My findings on various issues are as follows:—

FINDINGS

Issue No. 1

As stated above the workman has alleged his employment in a factory namely Water Supply and Sanitation Sub-Division. While according to the management the claimant was employed in BC & Township Division Nangal Township. The details of the days worked in the Division have been annexed by the respondent to the written statement. It supports the case of the respondent that the applicant was employed in BC & Township Division Nangal Township. The claimant has not placed any record to show that he was employed in the alleged factory. Against it in the written arguments itself filed on behalf of the claimant, it has been admitted that the claimant was engaged/employed in BC & Township Division, BBMB Nangal Township and his services were terminated without any notice or notice pay in violation of Section 25F of the Act. Therefore it cannot be accepted that the claimant was employed in a factory and his services were terminated in violation of Section 25N of the Act which is applicable to the employees of a factory. I am therefore of the view that Section 25N of the Act has no application in the case and the termination of the workman cannot be assailed on the ground of violation of the said provision.

The non-compliance of Section 25F of the Act raised for the first time in the written arguments, is beyond the pleadings/claim statement. However from the statement made in the claim statement itself it appears admitted to the claimant also that he has not completed 240 days continuous service preceding the date of his termination. He has alleged in the claim statement that the respondent put a break of one month or months together after every two months to debar him from the benefit of 240 days continuous service. In the claim statement it has been alleged that such breaks are notional breaks but this interpretation of notional break cannot be accepted. Notional break cannot be of months.

From the statement of working days annexed to the written statement it appears that the claimant worked up to August 1988 only. Therefore for the entitlement of Section 25F of the Act the period commencing from 1st September, 1987 to 31st August, 1988 becomes relevant. The statement shows that the claimant did not work in September, October, November 1987, January 1988, April 1988 and June 1988. During the preceding 12 calendar months he worked only in December 1987, February 1988, March 1988, May 1988, July 1988 and August 1988 and the total working days of his service during the preceding 12 calendar months before his termination are only 157 days. Therefore he was not entitled to the protection of Section F of the Act as well. The termination of the services of the workman cannot be assailed on the ground of violation of Section 25-N or 25-F of the Act. Issue No. 1 is decided against the workman.

Issue No. 2

The workman's case is that while terminating his service the juniors were retained in violation of Section 25G of the Act. Much emphasis has been laid down in the written arguments on the non-maintainability of seniority list which is a must for an employer under Rule 77 of ID(C) Rule 1957 and relying on a judgement of the Hon'ble Punjab and Haryana High Court in **Haryana State Industrial Development Corporation Limited Vs. Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar 2010(1) SCT 303** it was argued that in case of violation of Section 25G of the Act the workman is entitled to reinstatement.

The management on the other hand has pleaded that in compliance of the judgement of the Hon'ble High Court of Himachal Pradesh the seniority list is being maintained and as per policy only those workmen have been placed in the list who had worked continuously for 120 days in preceding six months immediately before 1.4.1988 and as the workman has himself admitted in para 7 of his affidavit that he had worked for 78 days only, during this period, so his name was not included in the list.

But I think that the dispute of maintaining or non-maintaining of seniority list and the inclusion or non-inclusion of the claimants name in the seniority list becomes

relevant when it is proved that any junior had been retained while terminating the service of the workman. It is correct that the claimant has pleaded so but he has not named such junior person in his claim statement. During cross-examination also he has stated that he does not know whether a junior to him has been regularized in the service by the management. Against it management has specifically denied that any junior person had been retained. Therefore no violation of Section 25G of the Act is proved in the case. Issue No. 2 is decided against the claimant.

Issue No. 3

As it has been held that the workman is not entitled to the protection of Section 25-F of the Act and no violation of Section 25-N is involved in the case and also the claimant has not proved the violation of Section 25-G of the Act it cannot be held that the management is guilty of adopting unfair labour practice in terminating the service of the claimant. Issue No. 3 is decided against the workman.

Issue No. 4

From the above going discussion it is clear that the termination of the service of the claimant is according to law and justified. The claimant is not entitled to any relief. The reference is answered against him. Let two copies of the award be sent to Central Government for further necessary action.

ASHOK KUMAR RASTOGI, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

का०आ० 769.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध 1 में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकारण, जबलपुर के पंचाट (संदर्भ संख्या 107/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.01.2012 को प्राप्त हुआ था।

[सं. एल-22015/13/2005-आईआर (सी-II)]
डॉ०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th January, 2012

S.O. 769.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 107/05 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur* as shown in the Annexure in the Industrial dispute between The employers in relation to the management of WCL and their workman, which was received by the Central Government on 27.01.2012.

[No. L-22015/13/2005-IR (C-II)]
D.S.S. SRINIVASA RAO, Desk Officer.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/107/05

PRESIDING OFFICER : SHRI MOHD. SHAKIR HASAN

The Authorised Representative,
M.P. Koyla Khadan Mazdoor Panchayat (HMS),
Junnardeo,
Distt. Chhindwara

Workman

Versus

The Chief General Manager,
Western Coalfields Limited,
Pench Area,
PO Parasia,
Distt. Chhindwara

Management

AWARD

Passed on this 10th day of January 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-22015/13/2005-IR (C-II) dated 26.9.2005 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the management of WCL, Pench Area, P.O. Parasia, Distt. Chhindwara in not protecting the higher basic wages drawn in Category Gr. 5A (Piece rated) by the worker Shri Thakur S/o Ramdeo earlier is legal and justified? If not, to what relief the workman is entitled and from which date?

2. The case of the Union/workman in short is that the workman Shri Thakur was appointed in WCL, Pench Area, Chhindwara (MP) in the year 1972 as Tub Loader. The management gave a letter dated 23.2.99 to the Mines Superintendent directing him to inform the workman to appear before the Headquarter hospital, Nagpur on 26.2.99 for medical examination. He was examined by the Apex Medical Board Nagpur who recommended to the Manager to give him alternative job. The workman was transferred from Pench to Thesgora Mine on 15.3.99 and was doing duties of Tub Loader. Thereafter the management issued an order dated 4.5.99 directing him to work as Pumper on temporary basis for three months. He was drawing salary of Tub Loader till March 99. However all of a sudden his basic salary was reduced from April 1999 and was being paid salary of General Mazdoor. He was not appointed to the post of General Mazdoor nor consent/permission/intimation was given by the workman before making change of his service conditions. The workman did not want to change the job. It is violation of the provision of NCWA as well as other rules applicable to the Coal Industry. The workman had made several representations. It is submitted

that the management be directed to pay the scale attached to the post of tub loader and also directed to refund the deduction made with interest.

3. The management appeared and contested the reference by filing Written Statement. The case of the management, *inter alia* is that the workman was initially appointed as Underground Tub Loader in Rawanwara Khas Mines w.e.f. 7.12.1972 and worked on the said post till 13.3.1999. He underwent for periodical medical examination as required under Mines Rules and it was detected that he was suffering from disease unconnected with his employment. He was referred to Apex Medical Board for examination who advised him for alternate job not involving the strenuous physical work. There was no alternate job at Rawanwara Khas colliery. The workman is said to have approached the management and requested for giving light job to any other colliery where the light/alternate job was available. The piece rated, Tub loaders are paid according to the output done by the employees whereas the time rated workers get a fixed pay scale. The workman wanted to change his job from piece rated to time rated due to his health reason. Accordingly he was transferred to Thesgora Mechanised Mine at his request for time rated alternative job vide order dated 12.3.99. Subsequently order No. 290 dated 15.3.99 was issued to the workman and work was allotted of time rated category of Pump Khalasi. It is admitted that those papers are filed by the workman which are W/3 to W/5. The workman is said to have accepted the job and has raised this issue after several years. The workman was not entitled the wages of Tub Loader as he was working as General Mazdoor. The pay fixation of the workman had been done in accordance with the settlement and office order which are M/1 and M/2. The workman had rightly paid the wages of time rated as he had performed the job of time rated only. The order referred to by the workman does not show that he was transferred to Thesgora Mine to the post of Tub Loader. It is submitted that the workman is not entitled to any relief and the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication—

I. "Whether the action of the management in not protecting the higher basic wages drawn in Category Gr. 5A (Piece rated) by the workman is legal and justified?"

II. To what relief, the workman is entitled?

5. Issue No. 1

On the basis of the pleadings of the parties, it is evident that the following facts are admitted as such those are not necessary to be proved.

1. The workman Shri Thakur was appointed in WCL, Pench Area, Chhindwara (MP) in the year 1972 as Tub Loader.
2. The workman was periodically examined under Mines Rules and was referred to Apex Medical Board, Nagpur for examination.
3. He was examined by the Apex Medical Board on 26.2.1999 at HQ Dispensary Nagpur and was recommended for alternative job due to I.H.D. not involving strenuous physical work.
4. The workman was transferred from Pench to Thesgora Mine on 15.3.99.
5. Thereafter the management issued an order dated 4.5.99 directing the workman to do work as Pumper on temporary basis for three months.
6. He was drawing salary of tub loader till March 1999. Thereafter his basic salary was reduced from April 1999.

6. Now the important point for consideration is as to whether the workman was entitled to get pay protection on transfer from Pench Area to Thesgora Mine. According to the workman, he had not given any consent, permission or intimation to the management to change his service conditions from Tub Loader (piece-rated) to General Mazdoor (time rated). It is alleged that it was in violation of the provision of NCWA as well as rules applicable to the Coal Industry whereas the management contended that there was no alternate job at Rawanwara Khas colliery in view of the Apex Medical Board report where the workman was working, then the workman approached the management to give light job at any other colliery where the light/alternate job was available. Accordingly he was transferred to Thesgora Mechanised Mine at his request for time rated alternative job *vide* order dated 12-3-99. Subsequent order No. 290 dated 15-3-99 was issued to the workman and work was allotted of time rated category of pump khalasi.

7. The important point is that as to whether the consent was given by the workman for light/alternate job and for transfer to Thesgora Mechanised Mine. The pleading of the management itself shows that the workman approached and requested to transfer anywhere in another mine. This pleading itself shows that it was not the request to transfer in Thesgora Mechanised Mine alone where alternate job was not available.

8. Another important point is as to whether the workman gave any consent for changing him from piece rated to time rated. There is no chit of paper filed either by the workman or the management to show that the workman had given any consent in writing to change him from piece rated to time rated and to give lighter/alternate job. However the report of the Apex Medical Board which is admitted by

both the parties shows that it was recommendation of the Medical Board. The report is W/2 which is as follows—

"Shri Thakur S/o Ramdeo, T. Loader, Pench East Incline, AN ALTERNATE JOB CASE, has been examined by the Apx Medical Board on 26-2-99 at HQ Dispensary Nagpur and recommended as under:—

"ADV. Alternate job due to I.H.D. not involving strenuous physical work."

This clearly shows that it was the Medical Board who had advised for giving him alternate job to the management due to heart disease. This also shows that the workman had not given any consent or intimation to the management in writing to change from Piece rated to time rated.

9. The workman has filed the transfer orders and the order of posting as Pumper which is said to be time rated job which are W/3 to W/5. The management has also admitted these documents in his pleadings. Now let us examine these documents to determine that as to whether the workman was transferred in time rated with his consent or not. W/3 is the Release order dated 12-3-99 which shows that the workman Shri Thakur was released on transfer from Rawanwara Khas colliery to Thisgora as Tub Loader and he was directed to report to Sub Area Manager. There is nothing to show that he was transferred on the time rated post. W/4 is the order dated 15-3-99 of the Mines Manager Thisgora Underground Mine. This order shows that the workman was permitted to work in the mine as Tub Loader. This order further shows that he was not entitled TA/DA as he was transferred on his own request but this order does not show that the workman had consented for lighter job of time rated rather the order shows that he was transferred on the post of Tub Loader/Piece rated. W/5 is the office order dated 4-5-99 of Mines Manager, Thisgora Uderground Mine. This order shows that the workman was directed to work as Pumper temporarily for three months. This itself shows that he was not permanently made as Pumper. Thus the order clearly shows that he was permanently not given light job. There is no other paper to show that he was allotted permanently light job as pumper on the consent of the workman. This aspect further shows that there was no consent of the workman as such he was temporarily given lighter job. The workman has filed two pay slips, one is of March 1999 and another is of November, 2000. In both the pay slips, he was designated as Tub Loader. It is obvious that the documents show that the workman had not consented for light job rather the Apex Medical Board had suggested for alternative job due to heart ailment and it was the move of the management to provide him lighter job. He was temporarily made pumper for three months and thereafter continued as tub Loader as per pay slip as there was no order showing permanent lighter job allotted by the management.

10. The workman Shri Thakur is also examined in the case. He has supported that he was transferred to Thesgora Mines on the same post. This fact is in corroboration of the documentary evidence as discussed above. He has stated that after six months his pay was deducted. He has admitted that he was entrusted the work of General Mazdoor, Fitter, Helper, Mechanical Helper time to time but there is no order filed by the management to show that he was entrusted these works by any written order after converting his job from piece rated to time rated. This shows that he was basically Tub Loader but the work was taken of different types time to time and there was no such consent of the workman rather it was done on the recommendation of the Apex Medical Board. Thus his evidence also supports that he had not given any consent to change the job from piece rated to time rated.

11. On the other hand, the management has also adduced oral and documentary evidence. The management has filed photocopy of settlement between the management and the RKKMS Union which was arrived on 31-10-1995 and which is M/2 and para-5 of the said settlement runs as follows—

"Such piece rated workmen who may be put in time rated/monthly rated in future by managerial decisions i.e. without seeking option for time rated/monthly rated or without going through the selection process against internal notification for time rated/monthly rated, will continue to get protection of piece rated wages. Such piece rated workmen who come to TR as per option given by them will not get his benefit."

This clearly shows that the workman was put in time rated by managerial decisions without option of the workman and without any permanent order of lighter job and therefore he would continue to get protection of piece rated wages. In this particular case, there is no chit of paper to show that the workman had given option for time rated. As such he appears to be entitled to get protection of piece rated wages.

12. The management has filed office order which is Exhibit M/2. The office order also goes to show that those piece rated workers who had been deployed on time rated job at their own request should not be paid group wages. But in this particular case, it appears that the Apex Medical Board recommended for alternate job and it was the managerial decision. There is nothing to show that the workman had opted for time rated. Moreover it appears from the documents discussed above that he was temporarily directed to work for three months as pumper and thereafter he remained as Tub Loader. This aspect of the case also shows that the workman is entitled to get protection of piece rated wages from the date of reduction of his pay.

13. The management witness Shri Hirok Sarkar is Dy. Personnel Manager. He has stated that the workman wanted alternate job of time rated. There is no paper to show that the workman had given in writing any option for time rated. His evidence appears to be not reliable to absence of any option given by the workman to the management.

Thus it is clear that the action of the management is not justified in not protecting the higher basic wages drawn in Category 5A (piece rated). Accordingly this issue is decided in favour of the workman and against the management.

14. Issue No. II

On the basis of the discussions made above, it is clear that the workman is entitled to get protection of piece rated wages. Accordingly the management is directed to pass necessary order within two months from the date of award after protecting the wages of piece rated of the workman from the date of payment of time rated wages. The reference is, accordingly, answered.

15. In the result, the award is passed without any order to costs.

16. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN,
Presiding Officer.

नई दिल्ली, 27 जनवरी, 2012

का०आ० 770.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आयल इंडिया लिमिटेड जोधपुर एश्योरेंस के प्रबंधतंत्र के सबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय जयपुर के पंचाट (संदर्भ संख्या 39/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-01-2012 को प्राप्त हुआ था।

[सं. एल-30015/9/2005-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi the 27th January, 2012

S.O. 770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No..... 39/2005.....) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/S Oil India Ltd (Jodhpur) and their workman, which was received by the Central Government on 2/1/2012

[No. L-30015/9/2005-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

PRESENT

N.K. PUROHIT
PRESIDING OFFICER

I.D. 39/2005

Reference No. L-30015/9/2005-IR(M) date: 16/03/2005
Sh. Sultan Singh Rathore
S/o Sh. Hanuman Singh Rathore

R/o Lodsar House,
Rasala Road, Jodhpur.

V/s

The General Manager
Oil India Limited
Rajasthan Project
12-Old Residency Road, Jodhpur.

AWARD

17-11-2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication which is as under:-

"Whether the demand of Sh. Sultan Singh Rathore S/o Sh. Hanuman Singh Rathore for regularizing his service as Radio Operator in the service of Oil India Limited from the date of his initial appointment, or from the date the services of other 3 similarly placed persons were regularized, justified? if so, to what relief Sh. Sultan Singh Rathore is entitled?"

2. The workman in his claim statement has pleaded that he is an ex-employee of Border Security Force and after his superannuation as Assistant Sub-Inspector in 1989, he was engaged in the services of non-applicant Corporation w.e.f. 16.8.1989 on the post of Radio Operator. In spite of the fact that the post of Radio Operator was substantively available with the non-applicant Corporation to avoid the legitimate rights of the workman he was engaged through a contractor. He has further pleaded that he is discharging the duties of Radio Operator under the guidance and supervision of the non-applicant Corporation & the presence of contractor is merely a camouflage. The workman has also pleaded that he is discharging his duties from last about 16 years without any status & he is not getting the benefit of regularization & equal salary and pay scale payable to the regular employees of the non-applicant Corporation. The workman has prayed for regularization of his services as Radio Operator in the services of non-applicant Corporation from the date of his initial appointment with all consequential benefits.

3. The Corporation in its reply has denied the claim of the workman. It has been averred that workman was never engaged in the services of the non-applicant on the post of Radio Operator directly & no post of Radio Operator was substantively available. The Corporation has contended that the workman had been engaged as an employee of the contractor on the post of Radio Operator which is of temporary in nature & he has rendered his services under the direct control & supervision of the contractor concerned & not of the Corporation. It is wrong to say that presence of the contractor is merely a camouflage to violate the legal rights of the workman. The duty which has been discharged by the workman is not of continuous & perennial in nature. It has further been contended that there is no vacancy & vacant post & all recruitment are freezed from 1996 onwards till the day therefore, question of absorption & regularization of the workman's service can never arise. Further contract labour has no right to be automatically absorbed with the principal employer.

4. The non-applicant Corporation has also raised certain preliminary objections regarding maintainability of the claim on the ground that such type of dispute can only be raised through union; that no employer employee relation ever existed; that the reference at the outset is 'bad in law'.

5. In rejoinder, the workman has only reiterated earlier averments made by him in his claim statement.

6. The workman filed his affidavit on 17.5.06 in support of his claim & he was cross examined on 25.3.10 by the representative on behalf of the Corporation.

7. At the stage of workman evidence the workman moved an application on 23.11.10 along with an affidavit stating therein that he wants to withdraw his claim without any condition therefore, he may be allowed to withdraw his case & his claim may be disposed of accordingly.

8. On subsequent dates the learned representative of both the sides sought adjournments for filing settlement between the parties & ultimately on 17.11.11 an application was submitted on behalf of the Corporation to dispose of the case according to the enclosed settlement between the parties.

9. Upon perusal of the agreement dated 15.11.11 it reveals that the said agreement has been signed by the workman & General Manager, Oil India Ltd., Rajasthan Project, Jodhpur on behalf of the Corporation. It further reveals that both parties have mutually agreed upon the terms & conditions of the settlement & as per settlement arrived between the parties now no dispute exists between the parties on any point.

10. So far as request of the workman for withdrawal of the claim is concerned, there is no specific provision under the I.D. Act for withdrawal of the claim. But since, the workman has admitted that now no dispute exists & his grievances stand redressed, there is no need to adjudicate the dispute on merits as there is no grievance left with the workman. Resultantly, no relief is required to be given to the workman.

11. In view of the settlement dated 15.11.11 arrived between the parties "No Dispute Award" is passed. The reference under adjudication is answered accordingly.

12. Award as above.

13. Let a copy of the award be sent to Central Government for publication u/s 17(1) of the I.D. Act.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

कांग्रेस 771.—ऑटोग्राफिक विवाद अधिनियम 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मुम्बई पोर्ट ट्रस्ट मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कमेकारों के बीच अनुबंध में निर्दिष्ट ऑटोग्राफिक विवाद में केन्द्रीय सरकार औटोग्राफिक अधिकरण/श्रम न्यायालय मुम्बई 2 के पंचाट (संदर्भ संख्या 103/2001)

को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं. एल-31011/3/2000-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 771.—In pursuance of Section 17 of the industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....103/2001.....) of the Central Government Industrial Tribunal/Labour Court Mumbai-2 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Mumbai Port Trust (Mumbai) and their workman, which was received by the Central Government on 2/1/2012.

[No. L-31011/3/2000-IR(M)]
Johan Topno, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present

K.B. KATAKE
Presiding Officer

REFERENCE NO. CGIT-2/103 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST

The Chairman
Mumbai Port Trust
Port House, Shoorji Vallabhdas Marg
Mumbai 400 038.

AND

THEIR WORKMEN,

- (1) The General Secretary
Mumbai Port Trust Dock & General Employees Union
Kamgar Sadan
Mazgaon
Mumbai 400 010.
- (2) The President
Transport & Dock Workers Union
P.D'mello Bhawan
P.D'mello Road
Carnac Bunder
Mumbai 400 038

APPEARANCES:

FOR THE EMPLOYER:
Mr. Umesh Nabar,
Advocate

FOR THE WORKMAN Union No. (1):

Mr. J.H.Sawant,
Advocate.

FOR THE WORKMAN Union No. (2):

Mr. A.M. Koyande,
Advocate.

Mumbai, dated the 15th November 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-31011/3/2000-IR (M), dated 17.08.2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the industrial dispute relating to Leave Encashment, House Rent Allowance and Port Allowance raised by the All India Port & Dock Workers Federation against the management of Mumbai Port Trust justified? If so, to what relief the workmen are entitled to?"

2. After receipt of the reference from the Ministry, both the parties were served with notices and they appeared through their legal representatives. In response to the notice the second party union no. 1 representing the workers has filed its statement of claim at Ex-9 and Second party union no. 2 adopts the same Statement of claim vide Ex-16. According to it, the union is representing the workers of Mumbai Port Trust. The Mumbai Port Trust is a Statutory Body constituted under the provisions of Major Port Trust Act 1963. The service conditions of the workmen concerning the present dispute are governed and settled by way of various settlements, agreements, awards, orders, rules, regulations and Trustees Regulations so also directives and laws. The workmen are enjoying the benefit of leave encashment of only earned leave. It was allowed only once in a year and limited to 50% of the leave standing at their credit. Encashment is paid in advance and same is not counted as emoluments for any purpose. The scheme is applicable to all regular employees. The benefit of said leave encashment of earned leave based on the pay and allowance including the house rent allowance was available to and in fact enjoyed by the workmen w.e.f. 13/02/1979 and the said benefit was protected under clause 26 of settlement dated 4/1/1981 and the clause was included in every settlement thereafter till the year 2000. The benefit of encashment of earned leave based on pay & allowances including HRA have become one of the statutory conditions of the service of the workmen. Mumbai Port Trust management has started recovering the amount of HRA from leave encashment amount w.e.f. May 1993 and the amount of house rent allowance was not further computed for the purpose of earned leave w.e.f. February 2000. This has been done by the Mumbai Port Trust by

issuing office circular dated 17.08.2001 issued by Accounts Department to all the principal officers. They have stopped computing the HRA from 1/1/1998 retrospectively for the purpose of overtime wages of the employees who are not in receipt of HRA. For all the workmen such allowance was available since 1970.

3. All the workers were receiving City Compensation Allowance in the terms of settlement arrived at between the Port authorities and five major federations of Port and Dock workers and it was considered as pay for all the purposes including for contribution to PF and for rate of overtime working the said allowance was renamed as Port Allowance w.e.f. 1.1.1998.

4. The above referred three benefits were existing from long time and they were the statutory terms of the employment of the workmen under reference. These were the part and parcel of the terms of memorandum of settlements arrived at under the provisions of Section 12(3) of the Industrial Disputes Act, 1947. The Mumbai Port Trust by its circular dt. 17/8/2000 on the subject of pay revision of Class-III and Class-IV employees w.e.f. 1/1/1997 and 1/1/1998 stopped the Port Allowance. They have stopped considering the HRA for calculating overtime for payment for work done on national or festival holidays, for leave encashment etc. They have also started recovery of HRA already paid since May 1993 and stopped considering HRA since January 2000 for the encashment of earned leave. They have also stopped the Port allowance. Therefore the union has filed writ petition bearing no. 1342/2001 in Hon'ble Bombay High Court challenging amongst the others the clauses of circular no. FA/EWRS-1(98)/12888 dated 17/08/2000. The Hon'ble Bombay High Court was pleased to direct the union to refer the dispute for adjudication. The Central Government has therefore referred this dispute. The union therefore prays that the clauses nos. III, VII and 7 of circular no. FA/EWRS-1(98)/12888 dated 17/08/2000 be quashed and set aside. The first party be directed to pay all the arrears with interest @18% p.a. and also pray to direct first party to restore the above three benefits with immediate effect.

5. The first party resisted the claim vide its written statement Ex-11. According to them, this Tribunal has no jurisdiction as the decision in respect of House Rent Allowance is taken on the basis of Government orders. The action taken by the first party is in consonance with the orders issued by the Government. As per the settlement dated 1/1/1984 and 1/1/1988 the terms thereof were subject to approval of Government of India. The Ministry of Shipping is the controlling authority in the matter of service conditions of the employees. The action of first party is as per the direction of Government of India by its order dt. 12/12/1978 in respect of HRA in the matter of encashment of earned leave.

6. The resident Audit Officers have raised objection

for payment of HRA in overtime wages to those who were occupying Port Trust quarters. It was held an error as overpayment of overtime wages. Therefore since 1/1/1998 the HRA was not considered for the purpose of counting overtime wages of the employees who are occupying Port Trust quarters. Therefore such employees are not entitled to receive amount of HRA in overtime wages.

7. The Port Allowance now introduced has new character different from earlier CCA hence it would not have the same treatment as that of CCA in the matter of deduction of PF and payment of overtime wages. The Port Allowance is distinct from CCA. CCA was payable in some Ports during earlier settlements. The Port Allowance thus, need not be considered for deduction of PF or for payment of overtime wages. Therefore question of quashing instructions issued by the Port Trust in clauses 3 (iii), 3(vii) (e) and 3 (vii) (f) of circular dt. 17/8/2000 does not arise. According to them, the reference is devoid of merit. Thus they pray that the same be dismissed with cost.

8. Following are the issues framed by my Ld. Predecessor for my determination I record my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1.	Whether this Tribunal has no jurisdiction to entertain and try the reference as averred in Written statement, para.3?	Yes.
2.	Whether dispute raised by the union against the management relating to leave encashment is justified?	Yes.
3.	Whether the dispute raised by the union against the management relating to House Rent Allowance is justified?	Yes.
4.	Whether the dispute raised by the union relating to Port Allowance is justified?	Yes.
5.	What relief the workmen are entitled to?	As per final order.

REASONS

Issue no. 1:—

9. It is the case of first party management that the decision in respect of calculation of amount of leave encashment and overtime wages was taken by the Government. The action of the management is in consonance with the orders issued by the Government. In the circumstances, this Tribunal has no jurisdiction to decide the legality, validity and propriety of the Government

orders. In this respect I would like to point out that it is the case of the second party unions that neither they have challenged the Government order or any circular issued thereby. Therefore question of deciding validity of order or circular of Government does not arise. The second party in this reference has challenged the action of the management in calculating the amount of leave encashment and of the overtime wages. According to the first party, Government of India, Ministry of Labour issued a notification stating that the provisions of Section 2 (h), Section 14 and Rule 25 of the Minimum Wages Rules 1950 shall not apply to the employees engaged in scheduled employment in Port Trust. The Financial Audit Advisors and Chief Accountant Officer, Mumbai Port Trust vide his circular dated 30/5/2002 discontinued the practice of paying overtime wages at double the ordinary rate of wages. Vide this circular, Port Trust has discontinued the practice of 51 years in the matter of payment of wages of overtime at double the rate of normal wages. In the case at hand the question is whether it amounts to change in the terms of service conditions as contemplated under Section 9-A of Industrial Disputes Act, 1947. If it amounts to change in the terms of service conditions, it was mandatory to issue notice to the second party by the management. If there is change in the terms of service conditions, may it be in consonance with the order of Government or otherwise, the notice under Section 9-A is the mandate of law. No order or Government circular is challenged herein nor any declaration to that effect can be given by the Tribunal. The Tribunal is deciding a mere point in issue as to whether the action of the management is legal and valid in the light of Section 9-A of I.D. Act 1947. In this respect I would like to point out that this Tribunal can very well examine the issues under reference and it has jurisdiction to that effect. In this backdrop I decide this issue no. 1 in the affirmative that this Tribunal has jurisdiction to entertain this reference.

Issues nos. 2 to 4:—

10. All these issues are in respect of counting of pay for the purpose of encashment of leave and for payment of overtime wages. Such as whether HRA and Port Allowance is part of pay for encashment of leave and to pay the wages of overtime which is @ double the wages per hour of the employee? All the three issues are related to the same point. Therefore in order to avoid repetition of discussion, they are decided simultaneously. A short question for determination is whether management is justified in not calculating the HRA and Port Allowance while encashment of leave and payment of overtime.

11. In this respect, the fact is not disputed that while computing the amount of leave encashment as well as the amount of overtime wages previously, HRA and Port Allowance were considered as part of the pay of the workman concerned. According to the first party, there was no approval of Government to the earlier settlements

and they have made the changes as per the directions/circulars of the Government. In this respect fact is not disputed that there is change in calculating the amount of leave encashment and overtime wages. In the circumstances, the question is whether it amounts to the change in the service conditions of the employees and whether notice under Section 9-A of the Industrial Disputes Act, 1947 (hereinafter for brevity referred as I.D. Act) is necessary?

2. On the point Id. Adv. for the second party submitted that as HRA and Port Allowance are not calculated, while payment of overtime wages and leave encashment, if affect the interest of the workmen concerned. According to him, it amounts to change in the service conditions of the workmen. In support of his argument he resorted to Apex Court ruling in **Workmen at the Wadala Factory of HP Co. Ltd. V/s. IHP Co. Ltd. AIR 1986 SC 1794** wherein the Hon'ble Court held that, under Section 9-A of the I.D. Act, wage structure change in the system detrimental to workers not to be allowed except under compelling circumstances.

13. Id. Adv. also referred another ruling of Hon'ble Bombay High Court in **Tata Tea Ltd. (Bom) Employees Union V/s. Tata Tea Ltd. & Anr. 2007 III CLR 724** wherein there was a provision of pension to the employees of the company on their retirement. It was continued for a long period. The pension scheme was subsequently withdrawn. The workmen raised dispute for non-compliance of Section 9-A of the I.D. Act. It was rejected by the Tribunal. Therefore the workmen had approached the Hon'ble High Court. The Hon'ble High Court on the point observed that;

"It is a charter of payment of pension continued for long time which cannot be withdrawn unilaterally without issuing notice under Section 9-A of the Act."

Hon'ble Court in this case in para 21 of the judgement further observed that;

"The provisions of Section 9-A are attracted when any change is to be brought about in the conditions of service enlisted in the Fourth Schedule of the I.D. Act."

14. On the point the Id. Adv. for the first party submitted that, the management has not stopped payment of HRA or the Port Allowance to the workers under reference. On the other hand, HRA and Port Allowance are not taken into account at the time of leave encashment and in calculating the overtime wages. Therefore, according to him it does not amount to change in the service conditions. In this respect I would like to point out that HRA and Port Allowance were considered as part of pay while calculating overtime wages and amount of leave encashment. It was practice followed since number of years. Though the amount of HRA and Port Allowance are meager amount, they were treated as part of pay while calculating amount

of leave encashment and overtime wages. Withdrawal of said practice amount to withdrawal of concession or privilege as contemplated under entry no. 8, of Fourth Schedule i.e. 'Withdrawal of any customary or concession or privilege or change in the usage'. Change therein as per the Government circular and direction no doubt amount to change in the terms of service conditions.

15. In the light of the ratio laid down in both the above rulings I hold that the action of management amount to change in the condition of service. There is no dispute that, for any change in the service conditions of the workmen notice under Section 9-A of the I.D. Act is necessary. In the case at hand, not taking into account the HRA and Port Allowance in calculating the overtime wages and the amount of leave encashment come in the ambit of Section 9-A of the I.D. Act as it amount to withdrawal of customary concession or privilege or change in usage. Therefore I hold that the decision taken by the management cannot be called justified when they have made the change without notice under Section 9-A of the I.D. Act. Accordingly I decide these issues nos. 2 to 4 in the affirmative and proceed to pass the following order.

ORDER

- (i) The Reference is allowed with no order as to cost.
- (ii) The dispute raised by the second party unions in respect of calculating leave encashment and overtime wages with HRA and Port Allowance is justified.
- (iii) The Change made by the management in calculating the amount of leave encashment and overtime wages without considering HRA and Port Allowance is held illegal and void.

Dated: 15.11.2011

K.B. KATAKE, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

का०आ० 772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारत पेट्रोलियम कारपोरेशन लिमिटेड मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-2 के पंचाट (संदर्भ संख्या 53/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2.1.2012 को प्राप्त हुआ था।

[सं. एल-30012/22/2007-आईआर(एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2007)

of the Central Government Industrial Tribunal/Labour Court Mumbai-2 now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s Bharat Petroleum Corporation Ltd. (Mumbai) and their workman, which was received by the Central Government on 2.1.2012.

[No. L-30012/22/2007-IR(M)]

JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present

K.B. KATAKE
Presiding Officer

REFERENCE NO. CGIT-2/53 OF 2007

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BHARAT PETROLEUM CORPORATION LTD.

The Dy. General Manager (HRS) West
Bharat Petroleum Corporation Ltd.
Bharat Bhavan No. 4 & 6
Currimbhoy Road, Ballard Estate
P.B. No. 688
Mumbai-400 001.

AND

THEIR WORKMEN
Smt. Rahi Sanjiv Shinde
Neelkanth Dhara'
No. B-7, 1st floor
Subhash Road
Dombivli (W)
Distt. Thane.

APPEARANCES:

FOR THE EMPLOYER: Mr. R.S. Pai
Advocate.

FOR THE WORKMAN: Mr. Prakash Devdas,
Advocate.

Mumbai, dated the 14th November 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-30012/22/2007-IR (M), dated 22.10.2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management is fair and justified in dismissing the services of deceased workman

during the period of missing? If not, what benefits is his legal heir entitled for? And whether the demand of the legal heir to allow all benefits/entitlement till declaration of death of missing workman is in order and valid as per law? If so, what benefits and payments is the legal heir entitled for?"

2. After receipt of the reference, both the parties were served with the notices. They appeared through their respective legal representatives. The second party widow of the deceased workman filed her statement of claim at Ex-5. According to her, she is the widow of deceased workman Sanjeev D. Shinde. According to her, husband was employed with the first party as Operator (Field). He was employed since 1.10.1981. On 3.9.1997 he was found missing after duty hours 3.00 p.m. to 11.00 p.m. shift duty. Missing complaint was lodged with Byculla Police. The employer BPCL had initiated an inquiry against the workman for habitual absence without leave for more than 10 consecutive days and committing an act of subversive of discipline. The said chargesheet was never served on the workman as he was missing. The LRs and widow remained present before the

Inquiry Officer and informed him that workman was missing since 3.9.1997. They also produced the copy of missing NC report lodged in the police station. Inspite of that, the inquiry officer conducted exparte inquiry and submitted report. The employer BPCL dismissed the workman from his services by their order dated 26.10.1999. The legal heirs/widow of the workman approached to the ALC (C) and raised industrial dispute. As the conciliation failed, at the report of ALC (C), the Ministry of Labour has sent this reference.

3. According to the widow/LR of the deceased, the action of the management is unfair and unjustified in dismissing the services of the deceased workman. In fact the workman is missing and police were not able to trace him out. The management has merely complied with the formalities of the inquiry knowing well that the workman was missing. The inquiry officer violated the principles of natural justice. As the workman is missing since 3.9.1997 and his whereabouts are not known more than 7 years. Therefore since 2.9.2004 he has to be presumed to be dead and the his L/Rs are entitled to all the benefits of the deceased workman till the date of 2.9.2004. The demand of the L/Rs and the widow for declaration of death of the missing workman after 7 years is valid as per the law and they are entitled to the benefit as if workman died while in service of first party. The management has counted the service of the workman from the date of his recruitment till the date of his missing which is erroneous. The widow and L/Rs claim the gratuity, pension and other benefits presuming that the workman was in service till 2.9.2004 i.e. on the date of his civil death. The children of the deceased workman are entitled employment on compassionate ground. The management refused to consider the claim of

son of deceased workman Shri Nilesh Sanjeev Shinde who had applied for employment on compassionate ground. The management has refused all the claims of the L/Rs. Therefore they pray that the dismissal of deceased workman be set aside. They also pray for direction to treat qualifying service of the workman from 1.10.1981 to 2.9.2004. They also pray for direction to pay all the dues of the deceased workman on the basis of the said qualifying service. They also sought direction to the first party to give employment to Shri Nilesh Sanjeev Shinde, son of the deceased workman on compassionate ground on the basis of his qualification and also pray for cost of the reference.

4. The first party BPC Ltd. has resisted the statement of claim *vide* its written statement Ex-8. According to them, the workman Mr. S.D. Shinde was absent from duty without permission for more than 301 days from January 1997 to March 1998. He was therefore charge sheeted dated 12.3.1998 for habitual absence without leave and absence without leave for more than 10 consecutive days. The charge sheet was served at his known address. The corporation has also published the charge sheet in newspaper, daily Loksatta dt. 9.7.1998 calling upon Mr. S.D. Shinde to remain present before the inquiry officer Shri R.I. Mehta, Dy. Manager, DSB at Sewri on 16.7.1998. Inspite of the said notice and intimation, he remained absent. Therefore inquiry officer conducted exparte inquiry and he submitted his report dt. 4.9.98 holding the workman guilty of the charges leveled against him. Copy of the report was sent to the known address of Mr. Shinde. First party did not receive any representation on the report of inquiry officer. They only received the acknowledgement from the wife of the workman. As no representation was received, disciplinary authority by its order dt. 26.10.1999 dismissed Mr. Shinde from the services of the Corporation.

5. After the dismissal of the workman, his wife submitted an application to Dy. G.M. (HRS) (W) dated 28.2.2000 stating that she is wife of Shri S.D. Shinde, Operator and informed that he was missing since 3.9.97. She also made a request to the Corporation to wait for a period of 7 years. Thereafter claimant has raised industrial dispute. According to them, the reference is not tenable. The workman was dismissed from the service for the misconduct proved against him *i.e.* unauthorized absence of 301 days. The disciplinary authority considered the report of the inquiry officer and past record of the workman where-under he was awarded punishment for several misconducts mentioned in the order 26.10.1999. Therefore according to them the punishment is just fair and in accordance with the standing orders. There is no employer-employee relationship between the Corporation and the claimant. The claimant has not obtained succession certificate. The action of the Corporation of initiating inquiry and dismissing the workman is just, proper and legal. The workman cannot be deemed to be in employment till the date of his presumed death as on 2.9.2004. They

denied that claimant of the other legal heirs are entitled to the benefits on the basis of presumption of death of the workman since 2.9.2004 by disregarding his dismissal dt. 26.10.99. They also denied that children of workman are entitled to get employment on compassionate ground. It cannot be sought for by way of industrial dispute. The period from the date of dismissal till the date of presumption of death cannot be treated as period of service for the purpose of entitlement of benefits by the claimant and other L/Rs of the workman. Therefore, they pray that the reference be dismissed with cost.

6. The widow of the deceased workman *vide* of rejoinder Ex-9 denied the contents in the written statement and repeated her claim that the widow and L/Rs are entitled to get all the benefits with presumption of death 7 years after the date of missing.

7. Following are the issues framed by my Ld. Predecessor for my determination. I record my findings thereon for the reasons to follow:

S. No. Issues	Findings
1. Whether the action of the management is fair and justified in dismissing the services of deceased workman during the period of missing?	No.
2. Whether the legal heirs of the deceased workman are entitled to the retirement benefits till his retirement on superannuation?	Party in the affirmative.
3. Whether the son of the deceased workman is entitled for appointment on compassionate grounds on the basis of his qualifications?	Yes.
4. What other reliefs the heirs of deceased workman are entitled to?	As per final order.
5. What orders?	As per final order.

REASONS

Issue no. 1:—

8. In this respect, the Id. Adv. for the first party management has submitted that the notice of domestic inquiry was sent on the correct address of the employee. The notice of inquiry was also published in English and vernacular newspapers. Inspite of that nobody appeared to resist the inquiry. Therefore he submitted that the inquiry officer rightly proceeded ex parte. He further submitted that the inquiry officer recorded the evidence of the witnesses. Perused the documents produced in the inquiry proceedings and he found the workman guilty for the misconduct of habitual absence continuously for more than 10 days. Therefore, the management sent showcause notice to the workman on his residential address. The workman did not

offer any explanation or representation in respect of the report and the findings of the inquiry officer. In the circumstances, Id. adv. submitted that the inquiry is fair and proper. He further submitted that in such circumstances, the Tribunal cannot set aside the inquiry and also cannot reach to the conclusion that findings are perverse. In support of his argument Id. adv. resorted to Apex Court ruling in **Sur Enamel & Stamping Works Ltd. V/s. The workmen AIR 1963 SC 1914** wherein the Hon'ble Court observed that:

"If an employees service is terminated after a proper domestic inquiry, held in accordance with the rules of natural justice and the conclusion reached at in the inquiry are not perverse, the Industrial Tribunal is not entitled to consider the propriety or the correctness of the said conclusion."

The Id. adv. also resorted to another Apex Court ruling in **Banaras Electric Light & Power Co. Ltd. V/s. Labour Court II, Lucknow 1972 IILLJ 328** wherein the Hon'ble Court observed that:

"This court had in several cases while dealing with industrial disputes of this kind occasion to point out that an Industrial Tribunal would not be justified in characterizing the findings recorded at the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence or is entirely opposed to the whole body of evidence adduced before it."

The Id. adv. also resorted to another Apex Court ruling in **South Indian Cashew Factories Workers Union V/s. Kerala State Cashew Development Corporation Ltd. & Ors. (2006) 5 SCC 201** wherein the Hon'ble Court observed that:

"Conducting of inquiry by an officer of the management not ipso facto initiative of the inquiry."

The Hon'ble Court in this case also observed that:

"If the inquiry is proper then in the absence of any allegation of victimization or unfair labour practice, the Labour Court has no power to interfere with the punishment imposed."

However this rule is not applicable for discharge and dismissal of the worker from service which is governed under Section 11-A of the I.D. Act.

9. In the case at hand, the Id. Adv. for the second party submitted that the inquiry and findings of the inquiry officer were ex parte. He submitted that the second party i.e. the widow of the workman has placed on record the

fact that the workman is missing since 3/9/1997. It is a fact that no notice or chargesheet was served on the workman as he is missing. According to the inquiry officer and the first party, the chargesheet and showcause notice etc. were sent on the residential address of the workman. As the inquiry notice was not served on the workman, they have also published the notice in English as well as in vernacular newspapers. In short fact is not disputed even by the first party that the workman is missing and he was not served with the chargesheet. In the circumstances Id. adv. for the second party submitted that the above referred rulings are in respect of the facts wherein inquiries were conducted on merit. In the case at hand, as the workman was not served with the chargesheet, the Id. adv. for second party rightly submitted that the ratio laid down in the aforesaid ruling is not attracted wherein the inquiries were conducted on merit. The Id. adv. submitted that the inquiry cannot be called fair and proper unless, chargesheet thereof is served on the workman or unless sufficient opportunity is given to him to defend himself. According to him, as the workman is missing, no show-cause notice or chargesheet were served on him. There was clear violation of principles of natural justice. Therefore, according to him, the inquiry cannot be called fair and proper and findings of Inquiry Officer are apparently found to be perverse. In support of his argument, Id. Adv. resorted to the Apex Court ruling in **Union of India & Ors. V/s. Dinanath Shantaram Kerkar and Ors.** in CA no. 1477/1993 decided on 30/07/1998 wherein the Hon'ble Apex Court in para 10 of the judgement observed that:

"It has already been found that neither the chargesheet nor the showcause notice were never served on the original respondent Dinanath Shantaram Kerkar consequently the entire proceedings were vitiated."

10. In case at hand, since the workman is missing, neither showcause notice nor the chargesheet was served upon him. So also the order of termination was not served upon him. In the circumstances the inquiry cannot be called fair and proper so also findings of the inquiry officer recorded in the inquiry proceeding cannot be accepted as legal and valid. Accordingly I hold the inquiry is illegal and unfair. I also hold that the findings of inquiry officer are perverse. Thus I set aside the order of termination of services of the workman.

Issue no. 2:—

11. The second party is the widow and the L/R of the workman. According to them, as the workman is missing since 3/9/1997, he is unheard for more than 7 years.

Therefore as per Section 108, it should be presumed civil death of the workman. Therefore the widow and L/Rs are claiming the wages of the workman till 2/9/2004. The fact is not disputed that the workman is not on work since 3/9/1997. Therefore, question of payment of his wages from that date till 2/9/2004 does not arise. It is a fact that the workman is missing and unheard for more than 7 years. Therefore, as per the presumption it is his civil death as on 2/9/2004 i.e. on completion of period of 7 years. The order of termination of services of the workman is set aside. Therefore, it has to be treated that the workman died on 2/9/2004. His widow and L/Rs are entitled to get his pay arrears till 3/9/1997 and pension and other benefits such as they are entitled to receive amount of Provident Fund, Gratuity, pension if any and other monetary benefits. The period from 3/9/1997 to 2/9/2004 be treated as extraordinary leave of the workman without pay. Accordingly, I decided this issue no. 2 partly in the affirmative.

Issues Nos. 3 & 4:—

12. The workman herein is presumed dead as on 2/9/2004. Had he been alive he would have been 49 years of age in 2004, as he was 42 years of age in the year 1997. Naturally the workman would have been in service in 2004. Had he died during the tenure of his service, naturally his son or daughter would have been taken in the service on compassionate ground. In the case at hand it is the civil death of the workman as per the presumption of law. He is missing since last more than 14 years. In the circumstances, the first party should consider his son to appoint him as per his eligibility and qualification on compassionate ground. Accordingly, I decide this issue no. 3 in the affirmative and issue no. 4 accordingly. Thus I proceed to pass the following order:

ORDER

- (i) The inquiry and findings of inquiry officer in domestic inquiry are set aside.
- (ii) The order of termination of services of the workman is also set aside.
- (iii) The workman is deemed to have died as on 2/9/2004. The period from 03/09/1997 to 2/9/2004 be treated as extraordinary leave of the workman without pay.
- (iv) The widow and L/Rs are entitled to get all the pay and other arrears till the date of his missing i.e. till 3/9/1997. They are also entitled to the amount of PF, Gratuity and other benefits available as on 2/9/2004 (except pay and allowances for the period 3.9.1997 to 2/9/2004).

- (v) The first party is directed to give suitable employment to the son of the deceased workman as per his eligibility and qualification on compassionate ground.

Date: 14/11/2011

K.B. Katake, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

का०आ० 773.——औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आयल एंड नेचुरल गैस कारपरिशन लिमिटेड मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई 2 के पंचाट (संदर्भ संख्या 31/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं० एल-30012/7/2006-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2006....) of the Central Government **Industrial Tribunal/ Labour Court Mumbai-2** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Oil & Natural Gas Corporation Ltd. (**Mumbai**) and their workman, which was received by the Central Government on **02/1/2012**

[No. L-30012/7/2006-IR(M)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present

K.B. KATAKE
Presiding Officer

REFERENCE NO. CGIT-2/31 OF 2006

EMPLOYERS IN RELATION TO THE MANAGEMENT OF OIL AND NATURAL GAS CORPORATION LTD.

The Chief Manager (Services)
Oil & Natural Gas Corporation Ltd.
Vasudhara Bhawan
Bandra (East),
Mumbai 400 051

AND

THEIR WORKMEN.

Shri R.B. Patil
4, Raichand Niwas
Agar Bazar, S.K. Bole Road
Dadar (W)
Mumbai 400 028.

APPEARANCES:

FOR THE EMPLOYER: Shri G.D. Talreja
Representative.

FOR THE WORKMAN: No appearance.

Mumbai, dated the 3rd October, 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-30012/7/2006-IR (M), dated 29.05.2006 in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of ONGC, Mumbai is justified in terminating the services of Shri R.B. Patil, Jr. Draftsman (Mech.) CPF No. 56526 w.e.f. 28/12/2002? if not, and if proved, what lesser punishment on the workman be imposed?"

2. After receipt of the reference, notices were issued to both the parties. Both the parties appeared through their legal representatives. The second party workman filed his statement of claim at Ex-6. According to him, he was Jr. Draftsman (Mech.) and permanent employee of first party. He was on leave for the period 24/6/2002 to 27/12/2002. He resumed his duties on 28/12/2002 and reported to Mr. S.S. Soman, Chief Engineer. He submitted application to the management to release his payment for the period May 2002 to December 2002. However the Chief Engineer who was a controlling officer did not forward absentee statement to the Finance Section for drawal of wages of the workman though he was present. He made representation to the management for payment of wages. Finally Shri S.S. Soman, Chief Engineer told the workman not to report for duty and did not allow him to work and to sign the muster roll. The workman was put in great financial difficulties.

3. After reading the notice published in Loksatta dated 1/4/2004 workman vide his letter dt. 20/12/2004 requested the management to allow him to attend his duty. He did not receive the memorandum as referred in the notice. The notice was false. The management neither allowed the workman to resume the duty nor replied his letter dt. 20/12/2004. He was informed that his name was struck off from the muster roll as per the orders dt. 3/2/2005 by the

competent authority by saying that he was not interested in the service of ONGC. He sent a letter dt. 19/5/2005 through his advocate requesting to withdraw the order and allow him to attend his duty. The management replied that workman has been treated as resigned from job w.e.f. 28/12/2002. The workman raised industrial dispute. The conciliation proceedings failed on account of rigid attitude of the management. Therefore the ALC referred the matter to Labour Ministry. The Labour Ministry therefore send the reference to this Tribunal. The workman therefore prays that action of the management in terminating his service be declared illegal and unjust and he be reinstated in service w.e.f. 28/12/2002 with continuity in service, full backwages and other consequential benefits and the costs and compensation.

4. The first party management resisted the statement of claim vide its written statement Ex-8. According to them, the reference is not maintainable. Mr. R.B. Patil the second party started remaining absent without leave and without prior permission w.e.f. 28/12/2002 after expiry of his earned leave, half pay leave and extra ordinary leave. Therefore he was deemed to have been resigned and ceases to be in the employment of ONGC w.e.f. 28/12/2002. He has committed many mischief and malpractices. He was given warning for forging his E.L. encashment claim. He was in a habit to obtain loans from various nationalised and co-operative banks. There were number of decrees of various courts in which the amount of his pay was attached. Warning was given to him not to obtain any loan from any other Bank without prior permission of first party. However he flouted the conditions in warning. The second party remained absent. Therefore he was served with memorandum for initiating disciplinary action in view of habitual in-debtness and defaulting in returning of loans. He was called upon to join his duties. His whereabouts were unknown therefore notice was published in English and vernacular newspapers. Inspite of that the second party workman has not resumed his duties. Therefore it was treated under Rule 14(5) of ONGC Leave Rules that he is not interested in service on ONGC and his name was struck off from the muster roll as workman is deemed to have resigned. Therefore the management prays that the statement of claim is devoid of merit and the reference be dismissed with cost.

5. Following are the issues framed by my Id. Predecessor Ex-9 for my determination. I record my findings thereon for the reasons to follow:

Issues	Findings	relief sought for?	No.
1. Whether the action termination of second party is legal?	No.	3. What order?	As per order below.
2. Is the second party entitled to any			

REASONS

Issue no. 1 & 2:—

6. It is the case of the first party management that the workman remained absent wilfully from 28.12.2002. According to them the workman was asked to join his duties immediately. Notice was sent to him. As his whereabouts were not known, it was also published in English and Vernacular newspapers. Inspite of that the workman did not turn up to join his duties. Therefore they realised that he was not interested in joining his duty and it amounted to deemed resignation. Therefore his name was removed from the muster roll.

7. The management also contended that the workman had obtained loans from various banks and number order of attachment of his pay and allowances were received by them from various courts. Therefore the workman was directed not to obtain any further loan without permission of the management. Inspite of that he had obtained loan from some other banks and they also received order of attachment of his pay and allowances from courts. He committed misconduct by remaining absent and incurring loan against the direction of the first party.

8. As against this it is the case of the second party workman that, he had been to his office on 28/12/2002 to join his duty. However they did not allow him to join his duty. Therefore he has raised this industrial dispute. The burden is on the workman to show that he had been to the office of first party to join his duty and they did not allow him to join or work in his office. However the workman remained absent and did not file his affidavit in lieu of examination-in-chief. For want of evidence, burden on the workman cannot be discharged. In short, the workman remained absent, has not led any evidence to discharge the burden of proving the fact that he had reported his duty on 28/12/2002 or at any point thereafter. In the circumstances, no fault can be found in the order of termination of the workman. Accordingly I hold that his termination cannot be said illegal or unjustified. Accordingly I decide this issue no. 1 in the negative. Consequently I also hold that the workman is not entitled to any relief claimed for. Accordingly I decide this issue no. 2 also in the negative. Thus the order:

ORDER

Reference is dismissed with no order as to costs.

Dated: 03.10.2011 K.B. KATAKE, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

का०आ० 774.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड कोच्चि रिफाइनरी अम्बलमुगल के प्रबंध तत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 25/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं० एल-30011/11/2009-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

NOTIFICATION

S.O. 774.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award (Ref. No. 25/2009,) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M./s. B.P.C.L- Kochi Refinery, (Ambalamughal) and their workman, which was received by the Central Government on 02/1/2012

[No. L-30011/11/2009-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri. D. Sreevallabhan, B.Sc., LL.B., Presiding Officer (Friday the 16th day of December, 2011/25th Agrahayana, 1933)

I.D. 25/2009

Union : The General Secretary,
Cochin Refineries Workers Association,
VPP 1/427, Ambalamughal,
Cochin—682 302.

By Adv. Shri. K.S. Madhusoodanan.

Management : The Executive Director,
BPCL - Kochi Refinery,
Ambalamughal.

By M/s. Menon & pai.

This case coming up for final hearing on 16.12.2011 and this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central

Government, Ministry of Labour *vide* order No. L-30011/11/2009-IR(M) dated 29.07.2009 has referred the industrial dispute specified in the schedule in that order for adjudication to this tribunal.

2. The dispute is:

"Whether the action of the management of M/s. BPCL-Kochi Refinery, in terminating the services of S/Shri. Louis D'Cruz, Ex-Security Sergeant and Shri K. Murali, the Ex-General Workman on the alleged misconduct of habitual absenteeism is fair and justifiable? To what relief they are entitled to?"

3. Union filed claim statement challenging the validity of the enquiry which ended in the dismissal of Shri Louis D'cruz and stating that there was valid explanation for his absence from duty for 160 days during 2005 and 59 days during 2006. It was not properly considered by the Enquiry Officer in entering into the finding as to his unauthorized absence. No challenge is made in the claim statement with regard to the enquiry against Shri. K. Murali which resulted in the termination of his service.

4. Management filed written statement denying the allegations challenging the validity of the enquiry made in the claim statement and contending that the domestic enquiries against the two workmen were validly conducted without any violation of the principles of natural justice and they were terminated from service based on the finding as to habitual absenteeism.

5. Union did not file any rejoinder in spite of granting several adjournments.

6. After posting the case for evidence management has produced the Enquiry File. Afterwards union was continuously absenting without any representation on several posting dates and hence was declared *ex parte*. Management filed affidavit to prove its case. The averments in the affidavit are sufficient to satisfy that the enquiry was validly conducted against the workmen and there is no illegality in the imposition of the penalty on them based on the findings in the enquiry. On a perusal of the enquiry file it is not discernible that there is any illegality in the conduct of the enquiry. It is based on the admission of the alleged misconduct of each of the workmen the finds were entered into against them. There is nothing to satisfy that the termination of the workmen for the misconduct of habitual absenteeism is not fair and justifiable. Hence it can be held that the action of the management of M/s. BPCL, Kochi Refinery in terminating their services is fair and justifiable.

In the result an award is passed finding that the action of the management of M/s. BPCL-KR in terminating the services of Sri. Louis D'Cruz, Ex-Security Sergeant and Shri K. Marali, the Ex-General Workman on the alleged misconduct of habitual absenteeism is fair and justifiable. Hence they are not entitled to any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, Transcribed any typed by her, corrected and passed by me on this the 16th day of December, 2011.

D. SREEVALLABHAN
Presiding Officer

Appendix — NIL

नई दिल्ली, 27 जनवरी, 2012

का०आ० 775.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आयल एन्ड नेचुरल गैस कॉर्पोरेशन लिमिटेड अंकलेश्वर के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या 6/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं. एल-30012/28/2007-आई आर (एम)]
जोहन तोप्नो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 775.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2008,) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Oil & Natural Gas Corporation Ltd. (Ankleshwar) and their workman, which was received by the Central Government on 02/1/2012

[No. L- 30012/28/2007-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL, TRIBUNAL CUM-LABOUR-COURT, AHMEDABAD

Present
Binay Kumar Sinha,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad, Dated 08.12.2011

Reference: CGITA of 6 of 2008 New

The Executive Director,
ONGC, Ltd., Ankleshwar Asset,
Ankleshwar, Bharuch.First Party

And their workman

Shri Devangkumar Jashvantlal Shah,
7/255, Nishal Falia, Rander,
Surat, (Gujarat).Second Party

For the first party Shri K.V. Gadhia, Advocate

For the second party: None

AWARD

The Appropriate Government, by order No. L. 30012/28/2007 (M) New Delhi dated 06.02.2008 referred this Industrial Dispute for adjudication by formulating a terms of reference as per schedule as follows.

SCHEDULE

"Whether the action of the management of ONGC Ltd., Ankleshwar Asset by passing order No. Ank/E.II/PF/DJS/JT (E)/2003/2373 dated 21/11/2003 declaring Shri D.J. Shah has deemed to have resigned from service of the ONGC Ltd., w.e.f. 25/06/2003 and striking of his name from Muster Roll is legal, just and proper? If not, to what relief the concerned workman is entitled to?"

2. On receiving the copy of the orders of the Appropriate Government it was registered as aforesaid reference case and the parties were sent notices to appear and to file their pleadings. The first party Management of ONGC appeared through Advocate, by executing power in favour of Shri K.V. Gadhia, Shri M.K. Patel, Shri Yogi Gadhia; Advocates. The second party workman also appeared by executing a power in favour of his lawyer Mr. H.D. Katharotiya but thereafter the second party lost interest in this case and inspite of several adjournments and reminders notices to the second party for filing his statement of claim but no statement of claim was filed whereas the first party ONGC was appearing on the dates and was awaiting for the copy of statement of claim of the second party for filing its written statement. So, it appears to this tribunal that the second party workman has lost interest in this case and left doing pairv and did not file statement of claim for standing his claim in this reference case.

3. For the reasons noted above the terms of reference is answered as follows. The action of the Management of ONGC Ltd., Ankleshwar Asset by passing order No. Ank E.II/PF/DJS/JT (E)/2003/2373 dated 21.11.2003 declaring Shri D.J. Shah (workman) has deemed to have resigned from service of the ONGC Ltd., w.e.f. 25.06.2003 and striking of his name from Muster Roll is legal, just and proper. The second party workman is not entitled to get any relief in this case as the reference is dismissed for non-prosecution.

This is my award.

Let copies of the award be sent to the Appropriate Government for publication and needful.

BINAY KUMAR SINHA,
Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

कांग्रेस 776.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसार मैसर्स मिनरल एक्सप्लोरेशन कोर्पोरेशन लिमिटेड नागपुर के प्रबंधतत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या 89/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं. एल-29012/109/95 आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 776.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.89/2003) of the Central Government Industrial Tribunal/ Labour Court Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Mineral Exploration Corporation Ltd. (Nagpur) and their workman, which was received by the Central Government on 2/1/2012.

[No. L-29012/109/95-IR (M)]
JOHAN TOPNO, Under Sec.

ANNEXURE

Central Government Industrial Tribunal Nagpur No. 89/2003

Date	Exhibit No.	Progress
33	Petitioner/:	The General Secretary,
17.01.2011	Party No. 1	Mineral Exploration Corporation Employees Union, Secretariat, Seminary Hills, Nagpur-440006.

Versus

Respondent/: The Chairman-cum-Managing Director,
Party No. 2 Mineral Exploration Corporation Ltd.
Seminary Hills,
Nagpur-440 006.

AWARD

(Dated: 17th January, 2011)

The Central Government in exercise of the powers conferred by clause (d) of sub-section (I) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short) had referred the industrial dispute

between the employers, in relation to the management of Mineral Exploration Corporation Ltd. (in short "MECL") and their workman, Shri V.S. Babu ("the workman" for brevity) as per letter No. L-29012/109, IR (Misc.) dated 3.10.1996, with the following schedule to the Central Government Industrial Tribunal, Jabalpur for adjudication:—

"Whether the demand of the Mineral Exploration Corp. Employees Union for the promotion of Shri V.S. Babu, U.D.C. to the post of 'Assistant (Accounts)' with effect from the date from which his juniors were promoted and with all consequential benefits is justified and proper? If so, to what relief Shri V.S. Babu is entitled and from which date; and what other directions are necessary in the matter?"

Subsequently the reference was transferred to this Tribunal (CGIT, Nagpur) for disposal according to law.

2. The workman and the management of MECL filed their respective statement of claim and written statement respectively on receipt of notice from the Tribunal.

3. According to the claim petition, the workman joined MECL as LDC on 1.4.1980 and was promoted to the post of UDC on 22.6.1985 and as per the recruitment and promotion rule of MECL, all UDCs have to exercise option for further promotion either as Assistant (P&A) or Assistant (Accounts) and accordingly, the workman exercised option for promotion as Assistant (P&A) alongwith some other employees and according to the rules, once option is exercised, the same shall be final and no request for change of option will be entertained, but with malafide intension, the management secretly and quietly invited change of option from the Assistant (P&A) to Assistant (Accounts) from Shri P. Rameshwar, S.L. Kakeri, V.C. Philip, R.S. Chalpe, V.M. Amle, G.C. Srivastava, G.S. Raju and B.M. Ambalkar and accepted their option and subsequently they were given promotion as Assistant (Accounts) by order dated 14.6.1991 and the workman was deliberately and intentionally kept in the dark regarding the opportunity afforded to other employees regarding change of option and the persons so promoted were juniors to the workman, except the employees named at Sl. No. 1 & 2 and the workman personally approached the General Manager in this regard and he also brought the same to the notice of the MECL through his representation dt. 16.7.1991, 6.9.1991 and 27.3.1992 and also requested to give him an opportunity for revising option as given to others, but his request was rejected and as there was no suitable response to the subsequent representations made by the workman, the matter was brought to the notice of the ALC and during the course of conciliation, the management offered to promote the workman to the post of Assistant (Accounts) by accepting revised option from prospective date and accepting of such offer should have resulted in foregoing the claim of the workman for promotion from the date of his

juniors had been promoted i.e. 14.6.1991 and thus the conciliation failed and failure report was submitted to the Central Government. The workman prayed for directing the management to accept revised option submitted by the workman with effect from the date on which others had been afforded such privilege and grant promotion from 14.6.1991 and all consequential benefits including appropriate seniority as admissible to the workman.

4. The management of MECL filed its written statement pleading *iter-alia* that there are two channels of promotion from the cadre of UDC viz. (i) post of Assistant (personnel) and (ii) Assistant (Accounts) and the allocation of the channel of promotion was made on the basis of option exercised by the concerned UDC subject to the position of sanctioned strength and vacancies available at any particular time and the option once exercised is final and binding and in the process, options were invited from the UDCs in 1984 and 1987 and after submission of the options, UDCs were allotted their channel of promotion and after submission of the option for the personnel discipline, S/Shri G.S. Raju, G.C. Srivastava, R.S. Chalpe, S.L. Kakeri, B.M. Ambalker, P. Rameshwar and V.C. Phillip requested for change in their option from personnel discipline to Accounts Division, but in view of the existing system the request were turned down and subsequently one UDC, Shri P. Rameshwar made further representation for change of option to Accounts Stream from Personnel Stream, as he was engaged in accounting work and the MECL employees union at that stage, wrote to the management strongly recommending the representation made by 5 UDCs for change of their option and keeping in view the recommendations of the union and circumstances of the case, the representations were reconsidered and the concerned employees were allowed to change their option from Personnel Stream to Finance Stream as a special case and the workman neither represented requesting the change of option nor the union recommended his case alongwith the others and as such the six persons who opted for Accounts Stream were promoted as Assistant (Accounts) in June, 1991 and as the workman's name was not included in the list recommended by the union, no discrimination was caused to him and the workman made representation only on 16.7.1991, but his request change of option was not allowed, as promotion in Accounts stream had already been taken place and thereafter the workman did not make any further representation for nearly three years and on 8.3.1995, he again demanded for change of his option to Account stream but at that time, as the period of probation of six months of the promoted employees in Accounts stream was already expired and the employees were already confirmed, the prayer of the workman was not allowed, as the same would have disturbed the existing seniority and would have given rise to several disputes and as such, the reference is devoid of merit and is liable to be rejected.

5. It is necessary to mentioned here that since

24.8.2007, the parties remained absent and did not take part in this case so the was closed on 5.1.2011 and posted for award.

As in this case, the parties did not appear and remain absent, it is found from the record that the parties are not interested in proceeding with the case and it is necessary to pass an order of "no award" in this case. Accordingly, it is ordered:

ORDER

The case may be treated as a case of "no award".

J.P. Chand, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

कांआ० 777.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स यू.बी इन्डीनियरिंग लिमिटेड पुना के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय भुवनेश्वर 2 के पंचाट (संदर्भ संख्या 58/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं. एल-26012/3/99-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 777.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.58/2001.....) of the Central Government Industrial Tribunal/ Labour Court Bhubaneswar-2 now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of M/s U.B. Engineering Ltd (Pune) and their workman, which was received by the Central Government on 2/1/2012.

[No. L-26012/3/99-IR (M)]
JOHAN TOPNO, Under Secretary

Annexure

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT BHUBANESWAR

Present:

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 58/2001

Date of Passing Order-24th November, 2011

Between:

The Director, M/s. U.B. Engineering Ltd.,

Sahyadri Sadan, Tilak Road, Pune-411 030
Pune (Maharashtra)

... 1st Party—Management.
(And)

Their workman Shri Satyabadi Jena,
Qrs. No. B/275, Sector - 16, Rourkela
Sundargarh.

... 2nd Party—
Workman.

Appearances:

Shri Jagabandhu Sahu ...	For the 1st Party— Management.
Shri Satyabadi Jena.	For the 2nd Party— Workman.

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the management of the Director, M/s. U.B. Engineering Limited and their workman in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 *vide* their letter No. L-26012/3/99IR(M), dated 06.08.1999 to the following effect.

"Whether the action of the management of M/s. U.B. Engineering for not providing employment to Shri Satyabadi Jena under the terms of settlement is justified? If not to what relief the workman is entitled?"

2. The 2nd Party-workman has filed his statement of claim wherein it has been stated that he joined the 1st Party-Management M/s. U.B. Engineering Limited as Helper inside Rourkela Steel Plant, Rourkela on 5.1.1994. While working he faced an accident on 6.7.1994 at about 3.45 P.M. and underwent medical treatment for fracture of his knee. The 1st Party-Management instead of taking care of the workman and his family members neglected them and harassed the workman by removing him from service on 25.3.1995. Because of forcible retrenchment he faced financial scarcity and requested the Management to allow him to work as he has no fault of his own. But without considering his request and gravity of the matter the management illegally retrenched him from service. He sustained 5% permanent disability in the said accident, but he has not yet availed any compensation either from the Management or from Employees State Insurance. Therefore he filed a petition before the Deputy Labour Commissioner and Commissioner for Workmen Compensation, Rourkela, but they did not give any relief and referred the matter to the Government of India, Ministry of Labour. A prayer has been made for giving direction to the 1st Party-Management to provide him immediate employment with back wages from the date of accident and medical expenditure.

3. The 1st Party-Management filed written statement and stated that the Management of M/s. U.B. Engineering Limited is an establishment which engages itself in time bound projects under different Public Sector and Private Sector Undertakings by engaging contractors for the execution of jobs. Usually after completion of time bound project job the workers engaged by the contractors are retrenched with payment of their dues. Like other workers the present workman Shri Satyabadi Jena was engaged in a time bound project work at Rourkela Steel Plant site under the Management. He met with an accident and sustained minor injury on his right knee on 6.7.1994. He was immediately taken to E.S.I. hospital, Kansabhal and from there to Orthopedic Department of V.S.S. Medical College Hospital, Burla. After the workman was declared fit by the medical authority on 11.11.1994 he joined his work under the Management. He was again treated for his old injury at E.S.I. Hospital from 12.12.1994 to 28.12.1994 and was declared fit for work on 29.12.1994. He worked with the Management from 29.12.1994 to 25.3.1995 in a time bound project work. The said work was closed on 25.3.1995 and he was retrenched from his job after payment of full and final settlement like all other workers of that project. He thereafter raised a dispute alleging that he was illegally retrenched whereupon the conciliation proceeding was conducted and both the parties reached a settlement on 23.9.1995 in presence of the Asst. Labour Officer, Rourkela. In that settlement it was declared that the workman has received all his full and final dues from the Management, but as a gesture of goodwill the Management assured to employ him under any of its subcontractor. As per the said settlement dated 23.9.1995 the workman was employed under sub-contractor M/s. Versha & Co. outside the plant area and worked there till 14.2.1996 when the workman himself left the job. So the question of payment of any final settlement amount does not arise. Despite all these things the workman again raised a dispute on 10.4.1996 ignoring the terms of the settlement dated 23.9.1995. However with the assistance and concurrence of the Assistant Labour Officer-cum-Conciliation Officer, Rourkela, the parties to the dispute have agreed to resolve the dispute and a final settlement was drawn on 8.8.1996. As per that settlement it was agreed and accepted by the parties that although the workman had no claim against M/s. U.B. Engineering yet as a gesture of good will and to rehabilitate the workman the Management would pay a lump sum amount of -Rs. 11,000/- to the workman. The workman would not make any claim in future after receipt of the said amount before any court or authority either for employment or for any financial benefit. It was also agreed by the workman that he would not ask the present Management for payment of E.S.I. medical benefits on any occasion as he was covered under E.S.I. Scheme. After signing the settlement on 8.8.1996 by the workman, representative of the Management

and conciliation officer-cum-Assistant Labour Officer, Rourkela, the present Management paid the settled amount of Rs. 11,000/- which the workman received on the same date in presence of the Asst. Labour Officer, Rourkela. After acceptance of the settlement amount the workman has no locus-standi to file this case against the Management. The settlement signed by the parties under law and implemented cannot be reviewed and questioned in any manner.

4. On the pleadings of the parties the following issues were framed.

ISSUES

1. Whether the settlement entered into between the parties can be reviewed and avoided by any of the parties?
2. Whether the action of the Management of M/s. U.B. Engineering for not providing employment to Shri Satyabadi Jena under the terms of settlement is justified?
3. If not, to what relief the workman is entitled?
4. The 2nd Party-workman Shri Satyabadi Jena examined himself as W.W.-1 and filed documents marked as Ext.-1 to Ext.-18.
5. The 1st Party-Management has filed affidavit of Shri Jagabandhu Sahu in evidence and relied upon documents filed by it marked as Ext.-A to Ext.-F.

FINDINGS

ISSUES NO. 1 & 2

6. Since both the issues are inter-related hence they are taken up together for convenience sake.

It is admitted case of the parties that the 2nd Party-workman Shri Satyabadi Jena was working as Helper under the 1st Party-Management inside the Rourkela Steel Plant, Rourkela in the year 1994 and he met with an accident injuring his right knee on 6.7.1994 while working at the work place. The contention of the 2nd Party-workman is that instead of taking care of his welfare he was retrenched from service on 25.3.1995. But according to the 1st Party-Management, the 2nd Party-workman was engaged in a time bound project work which was closed on 25.3.1995 and therefore he was retrenched from service after payment of full and final settlement like other workers of that project. It has also been stated by the 1st Party-Management that prior to his retrenchment the 2nd Party-workman was declared fit by medical authority on 11.11.1994 and he joined the work under the 1st Party-Management. He was again treated for his old injury at E.S.I. dispensary from 12.12.1994 to 28.12.1994 and was declared fit for work on 29.12.1994. Thereafter he worked with the 1st Party-Management from 29.12.1994 to 25.3.1995, when the said work was closed and he was retrenched from his job. The 2nd Party-workman

thereafter raised the dispute alleging that he was illegally retrenched. After long negotiations a settlement was reached on 23.9.1995 wherein it was declared that the workman has received all his full and final dues from the Management, but the Management as a gesture of goodwill assured him to employ under its sub-contractor namely M/s. Versha & Company where the 2nd party-workman worked till 14.2.1996 and left the job himself on that date. After that the 2nd party-workman raised the dispute on 10.4.1996 ignoring the terms of settlement dated 23.9.1995. However with the assistance and concurrence of the Asst. Labour Officer-cum-Conciliation Officer, Rourkela parties to the dispute agreed to resolve the dispute and a final settlement was drawn on 8.8.1996, according to which it was agreed and accepted by the parties that although the workman had no claim against M/s. U.B. Engineering Limited, yet as a gesture of goodwill and to rehabilitate the workman the Management would pay a lumpsum amount of Rs. 11,000/- to the workman and the workman in turn would not make any claim in future after receipt of the said amount before any court or authority either for employment or for any financial benefits. It was also agreed by the workman that he would not ask the 1st Party-Management for payment of E.S.I. medical benefits on any occasion. The aforesaid settlement was signed by the workman, representative of the Management and the conciliation officer-cum-Asst. Labour Officer, Rourkela. The 1st Party-Management paid the settled amount of Rs. 11,000/- to the 2nd Party workman on the same date in presence of the Asst. Labour Officer, Rourkela. Hence no question arises for employment of the 2nd Party-workman or payment of any back wages or medical expenditure.

7. The management witness Shri Jagabandhu Sahu has proved the facts alleged by the 1st Party-Management in its written statement. Nothing could be extracted from his cross examination to discredit him. It has been suggested by the 2nd party-workman in cross examination of the management witness that the Management took advantage of illiteracy of the workman and took his signature on the settlement, which has been denied by the management witness. It has also been denied by the management witness that the settlements were made afterwards and were not read over and explained fully to the 2nd Party-workman. Ext.-C shows that the 2nd Party-workman was treated for his knee injury at E.S.I. dispensary from 7.7.1994 to 11.11.1994. On 11.11.1994 he was made fit. After that he was again treated at E.S.I. dispensary from 12.12.1994 to 28.12.1994 and was made fit on 29.12.1994. Ext.-D is the settlement dated 23.9.1995 and Ext-E is another settlement dated 8.8.1996. The terms of both the settlements were fulfilled by the 1st Party-Management, settlements were signed by the 2nd Party-workman himself and the representative for the Management and also by the Conciliation Officer-cum-Asst. Labour Officer, Rourkela. Ext.-F is the money receipt signed by the 2nd Party-

workman, which shows that he had received Rs. 11,000/- towards his full and final payment as per memorandum of settlement dated 8.8.1996. Therefore these settlements cannot be termed as fake and fictitious or made afterwards to make out a case of the Management. The 2nd Party-workman cannot take himself out of the settlement. There is no allegation or evidence worth the name that these settlements were terminated or brought to an end in some manner known to law.

8. In Civil Appeal No. 2696 (NL) of 1986 between General Manager, Security Paper Mills, Hoshangabad and R.S. Sharma and others it was observed by the Hon'ble Supreme Court that:—

"Law attaches importance and sanctity to a settlement arrived at in the course of a conciliation proceeding since it carries a presumption, that it is just and fair and makes it binding on all the parties as well as the other workman in the establishment or part of it to which it relates as stated above."

9. Section 18 of the Industrial Disputes Act, 1947 also makes settlement of binding nature on all the parties to the agreement. Therefore none of the parties to the settlement or agreement can avoid it and ask for its review. This Tribunal/Court is also obliged to respect it and has no power to review or avoid it at the request of any party. Therefore Issue No. 1 is decided against the 2nd party-workman.

10. Since the 2nd party-workman has got payment and accepted it in full and final settlement of his claim and also because he was employed on a time bond project work which has been closed he cannot seek employment under the 1st Party-Management and his prayer in this regard cannot be granted. He has also claimed in his statement of claim medical benefits from the 1st Party-Management but that is not within the competence of this Tribunal/Court. He can seek remedy in his regard in a proper forum, if so admissible to him. Therefore the action of the management of M/s. U.B. Engineering Limited for not providing employment to the 2nd Party-workman under the terms of settlement is justified. This issue is also decided against the 2nd Party-workman and in favour of the 1st Party-Management.

ISSUE NO. 3

11. Since the 2nd Party-workman has entered into settlements with the 1st Party-Management which are binding upon the parties and now no claim is outstanding to the 2nd Party-workman against the 1st Party-Management, the relief claimed in this reference is not admissible to him and therefore he is not entitled to any relief claimed for.

12. Reference is answered accordingly.

Dictated & Corrected by me
JITENDRA SRIVASTAVA,
Presiding Officer.

नई दिल्ली, 27 जनवरी, 2012

का०आ० 778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स न्यू इंडिया एश्योरेस कंपनी लिमिटेड नागपुर के प्रबंधालंब के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय नागपुर के पंचाट (संदर्भ संखा 2/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं० एल-15025/1/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 778.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.02/2008.....) of the Central Government Industrial Tribunal/Labour Court Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. New India Assurance Company Ltd. (Nagpur) and their workman, which was received by the Central Government on 2/1/2012

[No. L-15025/1/2012-IR (M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/Appn./02/2008

Date: 13.12.2011.

Complainant : Shri Arvind Jeevansingh
Mariam Nagar, Civil lines, Nagpur

Versus

Respondent : The General Manager,
The New India Assurance
Company Ltd.,
Ambedkar Bhavan, MECL Premises,
4th floor, Seminary Hills, Nagpur.

AWARD

(Dated: 13th December, 2011)

This is an application under section 33-A of the Industrial Disputes Act, 1947 ("the Act" in short), filed by the complainant named above.

2. The case of the complainant is that he was working with the respondent *w.e.f.* 29.04.1998, as a staff car driver continuously without any break with a salary of Rs. 5200/- per month and the respondent kept him on temporary basis for years together and as such, he approached the respondent to make him permanent and as the respondent did not make him permanent, the dispute was raised before the conciliation officer and on failure of the conciliation, failure report was sent to the Central Government and the Government, in its turn, referred the dispute for adjudication to this Tribunal in reference no. CGIT/NGP/30/2002 and the respondent being aggrieved by such reference, started to harass him on one count of the other and he was shown as temporary daily wages employee, though he was appointed on a clear vacancy of a driver and the respondent also gave artificial break from 17.08.2004 to 30.08.2004, for which he issued notice through his advocate on 15.01.2006 and made demand for his reinstatement and payment of salary, but the respondent refused to allow him to drive the vehicle and the respondent again discontinued his services on 17.07.2006 and he had suffered from Malaria and dehydration and was under medical treatment from 24.05.2006 to 26.06.2006 and he was admitted in the hospital of Dr. Shankar Khobragade and thereafter, he was bedridden and he approached the respondent to allow him to work, but the respondent did not allow him to work for the period from 28.06.2006 to 04.07.2006, and he was allowed duty from 05.07.2006 to 14.07.2006 but on 17.06.2006, he was intimated by the respondent that his services were no more required, so on 20.07.2006, he served a notice, but the respondent ignored the same and did not reinstate him in service and engaged another driver in his place and the management terminated his services without any reason and without following the due process of law and his termination was during the pendency of the dispute in reference no. 30/2002 and before terminating his services, permission of the Tribunal was not taken, as required under section 33 of the Act. The complainant has prayed to reinstate him in service with continuity and full back wages.

3. The respondent in its show cause pleaded *inter-alia* that CGIT/NGP/30/2002 is now posted for final argument and the complainant was never appointed as staff car driver and his services was utilized purely on as and when required basis and he was engaged, when there was need for driving the staff car on day to day basis and as such, his case cannot be considered for regular appointment and there is no vacancy of driver in the regional office at Nagpur and the complainant was never appointed as per the process of selection and payment was made to him either through disbursement vouchers/receipts/note sheets etc. and during the engagement of the complainant on daily basis, he committed fraud by making a false pay slip alleged to have been issued by management, for the purpose to taking loan from the Bank and the management

came to know about the fraud, when the Bank made queries about the correctness of the documents placed by the complainant and due to the fraud committed by the complainant, management lost confidence on him and as there was no need of his temporary services on daily basis, he was stopped from work and the said action doesn't attract section 33-A of the Act.

4. It is necessary to mention here that the complainant did not appear in the case and remained absent since 19.6.2009. He did not appear for his cross-examination, inspite of giving him several opportunities for the same. So his evidence on affidavit was expunged, as per order dated 31.12.2010 and after hearing the management on 22.07.2011, the case was posted for orders.

5. It is well settled that when a workman raises a dispute challenging the validity of the termination of the service, it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or to produce evidence, the dispute cannot be answered in his favour and he could not be entitled to any relief.

In this case in hand also, the workman has failed to produce evidence in support of his claim and as such, the application cannot be answered in his favour therefore, the applicant is not entitled to any relief. Hence, it is ordered:—

ORDER

The application is rejected being devoid of any merit.

J.P. Chand, Presiding Officer.

नई दिल्ली, 27 जनवरी, 2012

का०आ० 779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आयल एन्ड नेचुरल गैस कारपोरेशन लिमिटेड अहमदाबाद एवं मैसर्स बी एस चौधरी एन्ड कम्पनी महसाना के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या 114/2005 पुरानी संख्या 1354/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं. एल-30012/29/2005-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.114/2005 Old No. 1354/2008.....) of the Central Government Industrial Tribunal/Labour Court Ahmedabad

now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Oil & Natural Gas Corporation Ltd. (Ahmedabad) M/s B.S. Chaudhary & Co., Mehsana, and their workmen, which was received by the Central Government on 2/1/2012

[No. L-30012/29/2005-IR (M)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

CUM-LABOUR COURT, AHMEDABAD

Present
Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court
Ahmedabad, Dated 21.12.2011

Reference: ITC No. 1354 of 2008 Old

Reference: CGITA of 114 of 2005

1. The Group General Manager,
ONGC Ltd., Ahmedabad Project, Chandkheda,
5th Floor Avni Bhavan,
Ahmedabad (Gujarat).
2. The Prop. M/s. B.S. Chaudhary and Co.,
7, Urmil Shopping Centre, Opp. B.K. Cinema,
S.T. Workshop Road, Mehsana,
Gujarat-384002.First Parties

and their workman

Shri Mukesh Kumar B. Raval & 18 Ors.
As per list through their union
Sarvodaya Mazdoor Sangh,
Second Floor, Vora Chamber, Rakhial,
Nava Vas, Ahmedabad.Second Party

For the first party Shri K.V. Gadhia, Advocate
Shri M.K. Patel, Advocate

For the second party: None

AWARD

The appropriate Government/Government of India, Ministry of Labour/Shram Mantralaya *vide* order No. L-L-30012/29/2005/IR (M) New Delhi dated 22.11.2005 referred the dispute for adjudication by this tribunal considering an Industrial Dispute existing between the employers in relation to the management of ONGC and their workmen. The dispute was referred as per schedule which is as follows.

SCHEDULE

"Whether the Industrial Dispute raised by Sh. Mukesh Kumar B. Raval and 18 others (list attached)

against the management of ONGC Ltd., Mehsana over regularization of their service in the management ONGC justified? If so, to what relief the concerned workmen are entitled?".

2. On registering a reference case the parties to this case were noticed for filing their pleadings and for hearing of this case. The president of Sarvodaya Mazdoor Sangh namely L.N. Medipalli file an application at Ext. 2 for interim relief on 26.12.2005 with affidavit at Ext. 3 and at Ext. 4 an application was filed to produce document with list at Ext. 4. Subsequently at Ext. 5 an authority letter was filed by the workmen involved with their signatures authorising President of Sarvodaya Mazdoor Sangh labour union to represent them in this case. On 28.12.2008 a Vakalatnama at Ext. 6 was executed by the first party No. 1 (ONGC) appointing a lawyer K.V. Gadhia and M.K. Patel. Thereafter at Ext. 11 the second party filed statement of claim on 10.01.2006 and the first party No. 1 ONGC filed its written statement at Ext. 12 against the statement of claim of the second party and also filed written reply at Ext. 13 to the interim relief application of the second party at Ext. 2.

3. The stands taken by the second party in the statement of claim that the workmen are working with the first party ONGC Ltd. and are discharging their duties as its labourers since many years. Though these workmen are shown working through labour contract on paper but actually they are working with the first party No. 1 ONGC and are its employees and that contract shown on paper through whom second party workmen are working are sham and bogus contract and the first party ONGC intend to deprive the right of these workmen in the garb of sham and bogus contract. The second party have prayed for holding and declaring that the workmen involved in this case are direct employees of the first party No. 1 ONGC from the date of their initial appointment and that contract system showing the workmen as contractor labour is bogus, illegal and malafide and that the workmen are entitled for wages and other benefits as availed by the regular workmen and for any other relief to which the workmen are found entitled.

4. On the other hand contention raised by the first party No. 1 ONGC in its written statement *inter-alia* is that the reference is not maintainable. The second party workmen have no valid cause of action since there is no master and servant relationship between first party No. 1 and the workmen. Rather the second party workmen are the contractor's labour and the workmen are disengaged by the contractor from 30.10.2005 and so the reference regarding regularization is not maintainable. The first party No. 1 in its written statement have denied the allegation made in the statement of claim parawise and the prayer has been made to dismissed the reference since the workmen through their union are not entitled to get any relief.

5. Before filing statement of claim the second party union filed application for interim relief at Ext. 2 praying

therein for restraining first parties ONGC and their contractor not to terminate or relieve the second party workmen from their service or prevent or restrain the second party workmen for giving work. The reply to Ext. 2 was filed by first party ONGC at Ext. 13 contending therein that since there is no master and servant relationship between the first party No. 1 and workmen and that the workmen are contractor labourers and the contractor has dis-engaged them from 30.10.2005 and so the application for seeking interim relief at Ext. 2 which is dated 26.12.2005 is infructuous itself and so the second party union is not entitled to get any interim relief. An order was passed on Ext. 2 by this court on 21.12.2006 which is at Ext. 14 wherein the interim relief application of the second party union was rejected and parties were directed to attend this reference case for further hearing on merit.

6. Thereafter the second party union appears to have lost interest, neither any of the workman nor their representative union take further steps for leading evidence in this case inspite of notices. In the mean time the record was transferred from this tribunal to state tribunal in the year 2008 and reference ITC 1354/2008 was registered therein while the first party was doing pairv through its appointed lawyer. But the second party remained absent inspite of notice. Subsequently again this record was transfer to this tribunal as per labour Ministry's order on 01.11.2010/02.11.2010 and the record was received back in this tribunal and again fresh notice at Ext. 15 was issued to the second party union and the workman fixing 04.05.2011 for hearing of this case. But inspite of so many adjournments no one appeared on behalf of second party and last chance was given for leading evidence to the second party by proceeding dated 11.10.2011. Fixing this date 21.12.2011. But the second party did not lead evidence and remained absent inspite of notice. So, it appears that the second party workmen who raised Industrial Dispute through this reference case have lost all interest in this case whereas the first party No. 1 ONGC is ready to defend its stand as per their pleading in the written statement.

7. For the reasons noted above the terms of reference is answered in favour of the first party and it is answered that the Industrial Dispute raised by Shri Mukesh Kumar B. Raval and 18 others against the management of ONGC Ltd. Mehsana for regularization of their service in the management of ONGC is not justified and the workmen are not entitled to any relief.

8. Since the second party has lost interest in this case and the onus is upon the second party union of proof its case. But the second party have failed to lead evidence and so the reference is dismissed for non prosecution.

This is my award.

Let copies of the award be sent to the appropriate Govt. for publication and for needful.

Binay Kumar Sinha,
Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

का०आ० 780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स दी न्यू इण्डिया एश्योरेस कंपनी कोटा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 13/96) को प्रकाशित करती है जो केन्द्रीय सरकार को 2/1/2012 को प्राप्त हुआ था।

[सं० एल-17012/13/96 आई आर-डी-यू (एम)]
जोहन तोपनी, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 780.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....13/96) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. The New India Assurance Company (Kota) and their workman, which was received by the Central Government on 2/1/2012

[No. L-17012/13/96-IR-DU (M)]
JOHAN TOPNO, Under Secretary

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं० सी०आई०टी० 13/96

रैफरैस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्र०
एल०-17012/13/96 आई०आर० (डी०यू०) दि० 29.02.96

श्री रामविलास माली पुत्र श्री बद्रीलाल माली निवासी छाबड़ी चौक, पोस्ट आलनपुरा, जिला सराइमाधोपुर।

प्रार्थी

बनाम

01. दी न्यू इण्डिया एश्योरेस कंपनी, 4-5 टॉक रोड, सराइमाधोपुर जरिये ब्रांच मैनेजर।
02. दी न्यू इण्डिया एश्योरेस कंपनी, जरिये डिवीजनल मैनेजर, 19 झालावाड़ रोड, कोटा।

अप्रार्थी

उपस्थित

पीठासीन अधिकारी : श्री सतीश कुमार शर्मा

प्रार्थी की ओर से: श्री एमएफ० वैग

अप्रार्थी की ओर से: श्री प्रदीप सिंह

दिनांक अवार्ड : 21.9.2011

अवार्ड

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने उपरोक्त आदेश के जरिये निम्न विवाद औद्योगिक विवाद अधिनियम 1948 की धारा 10 की उपधारा (1) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णय हेतु निर्देशित किया है:

"Whether the action of the management of the New India Assurance Company, Kota in terminating the services of Shri Ram Vilas Mali w.e.f. 22.08.94 is legal and justified? If not to what relief is the said workman entitled?"

2. प्रार्थी श्रमिक की ओर से इस आशय का स्टेटमेंट ऑफ क्लेम पेश किया गया कि विपक्षीगण द्वारा दिनांक 11.11.91 को उसे चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया। उससे नियमित रूप से नियोजित चतुर्थ श्रेणी कर्मचारी के सभी कार्य लिए गए फिर भी उसे दैनिक वेतन भोगी के रूप में वेतन दिया गया। छद्म नामों से भुगतान किया गया। प्रार्थी ने वर्ष 1991 से 1994 तक लगातार काम किया। विपक्षीगण ने दिनांक 22.08.92 को उसे मौखिक तौर पर कार्य पर आने से मना कर दिया। उसे कोई नोटिस नहीं दिया गया और न ही कोई नोटिस वेतन दिया गया। कोई वरिष्ठता सूची प्रकाशित नहीं की गई अतः प्रार्थी की सेवायुक्ति को अवैध व अनुचित घोषित किया जावे एवं उसे सेवा में पुनः लिया जाकर सभी लाभ परिलाभ दिए जावें।

3. विपक्षी ने अपने जवाब में कहा कि प्रार्थी को कभी चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त नहीं दी गई बल्कि उसे आवश्यकता पड़ने पर कभी कभी कैजुअल लेबर के रूप में पानी भरने का काम लिया गया। इसके एवज में भुगतान कर दिया गया। प्रार्थी ने कभी नियमित चतुर्थ श्रेणी कर्मचारी के पद पर काम नहीं किया। सिर्फ 15-20 मिनट तक पानी भरने का काम कभी कभी किया। प्रार्थी एक तरफ वर्ष 1991 से 1994 तक कार्य करने की बात कहता है वहीं दिनांक 22.08.92 से सेवा समाप्त करने का कथन करता है जो विरोधाभावी तथ्य है। प्रार्थी को कभी कोई नियुक्ति पत्र नहीं दिया गया और न ही उसकी स्थाई नियुक्ति हुई है बल्कि प्रतिपक्षी संस्थान में नौकरी के लिए एक नियमित प्रक्रिया से गुजरना पड़ता है तभी किसी व्यक्ति को नौकरी पर रखा जा सकता है। क्लेम खारिज होने योग्य है।

4. प्रार्थी की ओर से साक्ष्य में स्वयं के व कमलबाबू ने बयान कराये। विपक्षी की ओर से केंके० कपूर, आर०प० शर्मा व शेखर सक्सैना के बयान हुए।

5. हमने दोनों पक्षों की बहस सुनी। प्रार्थी द्वारा प्रस्तुत लिखित बहस एवं पत्रावली का अवलोकन किया।

6. विद्वान प्रतिनिधि प्रार्थी की दलीलें हैं कि प्रार्थी ने सेवायुक्ति से पहले 240 दिन काम किया है। नियमित कर्मचारी व पार्टटाइम कर्मचारी में कोई भेद नहीं है। प्रार्थी की सेवायुक्ति अवैध है। क्लेम स्वीकार किए जाने योग्य है।

7. दूसरी ओर विपक्षीगण के विद्वान प्रतिनिधि की दलीलें हैं कि प्रार्थी को कभी चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त नहीं दी गई। कैजुअल लेबर के रूप में कभी कभार पानी भरने का काम लिया गया है जिसका पूरा भुगतान किया जा चुका है। उसे किसी स्थाई पद के विरुद्ध नौकरी पर नहीं रखा गया है। वह पुनः विपक्षी बीमा कंपनी की सेवा में आने का कोई अधिकार नहीं रखता है। क्लेम खारिज होने योग्य है। उन्होंने अपने समर्थन में न्याय निर्णय (2006) 4 एस०सी०सी० स्टेट ऑफ कर्नाटक व अन्य बनाम उमा देवी बगैरह पेश किए।

8. माननीय सर्वोच्च न्यायालय के उमा देवी वाले विनिर्णय से गहरा स्पष्ट विधिक स्थिति सामने आती है कि सार्वजनिक सेवाओं में स्थाई पद पर नियुक्त नियमित प्रक्रिया के तहत ही की जा सकती है। किसी कैजुअल अंशकालीन लेबर को लंबी अवधि तक कार्य करने के आधार पर ही सार्वजनिक सेवाओं में किसी स्थाई पद पर नियुक्ति पाने का अधिकार नहीं है।

9. दोनों पक्षों की दलीलों के संदर्भ में प्रस्तुत साक्ष्य का विश्लेषण करने पर स्पष्ट है कि प्रार्थी रामविलास ने अपने मुख्य परीक्षा के शपथ पत्र में यह अवश्य कहा है कि उसने वर्ष 1991 से 1994 तक चतुर्थ श्रेणी कर्मचारी के पद पर कार्य किया और उसे दिनांक 22.08.94 से मौखिक रूप से हटा दिया गया लेकिन जिरह में वह स्वीकार करता है कि उसका कोई नियुक्ति आदेश जारी नहीं है। उसे 22/- रु. रोज मिलते थे जबकि नियमित कर्मचारी को 3000/- रु. मासिक वेतन मिलता था। उसने कभी भी नियमित चतुर्थ श्रेणी कर्मचारी के वेतन के लिए मांग नहीं की थी उसने यह भी स्वीकार किया कि उसने जितने दिन काम किया उसका वेतन उसे पूरा मिल गया है। वह यह भी स्वीकार करता है कि विपक्षीगण के यहां दो चतुर्थ श्रेणी कर्मचारी के पद स्वीकृत थे और दो चतुर्थ श्रेणी कर्मचारी विपक्षी बीमा कंपनी में काम कर रहे थे।

10. प्रार्थी ने कमलबाबू शर्मा नाम साक्षी भी पेश किया है जिसने दिनांक 11.11.91 से 22.08.94 तक प्रार्थी द्वारा काम करने की बात कही है लेकिन उसे इस दौरान कार्यरत रहे मैनेजर के नाम याद नहीं हैं, अपनी जन्मतिथि भी याद नहीं है।

11. विपक्षीगण के उक्त साक्षीगण ने भी अपने बयानों में यह बताया है कि प्रार्थी को चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त नहीं किया गया। उसे केवल पानी भरने का काम कराया गया जिसका उसे भुगतान कर दिया गया।

12. उपरोक्तानुसार दोनों पक्षों की साक्ष्य से यह निर्विवादित स्थिति सामने आती है कि प्रार्थी को कभी भी चतुर्थ श्रेणी कर्मचारी के पद पर नियमित नियुक्त नहीं दी गई। विपक्षीगण के यहां स्वीकृत दोनों पदों पर पहले से कर्मचारी कार्यरत हैं अर्थात् कोई पद रिक्त नहीं है। प्रार्थी को अंशकालीन भत्ते पर पानी भरने के काम पर ही रखा गया है जो कभी भी हटाया जा सकता है। सर्वप्रथम तो प्रार्थी द्वारा 240 दिन लगातार काम करने का तथ्य साबित नहीं है फिर ऐसा मान भी लिया जावे तो भी इन हालात में उक्त विधिक स्थिति के तहत चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्ति पाने का अधिकारी नहीं है।

13. उपरोक्त विवेचन के फलस्वरूप प्रश्नगत रैफरेंस में निम्न अवार्ड पारित किया जाता है:

14. दो न्यू इण्डिया एश्योरेंस कंपनी, कोटा द्वारा श्रमिक श्री रामविलास की दिनांक 22.08.94 से सेवाएं समाप्त करने का आदेश उचित एवं वैध है। प्रार्थी श्रमिक कोइं राहत पाने का अधिकारी नहीं है।

15. आदेश आज दिनांक 21.09.2011 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को वास्ते प्रकाशनार्थ नियमानुसार भेजा जावे।

सतीश कुमार शर्मा, न्यायाधीश

नई दिल्ली, 27 जनवरी, 2012

का०आ० 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स हमाद्री सीमेन्ट लिमिटेड हैदराबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 122/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2.1.2012 को प्राप्त हुआ था।

[सं० एल-15025/1/2012 आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 27th January, 2012

S.O. 781—in pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/2006.....) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Hemadri Cements Ltd. (Hyderabad) and their workman, which was received by the Central Government on 2.1.2012.

[No. L-15025/1/2012-IR (M)]
JOHN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HYDERABAD

Present:— **Shri Ved Prakash Gaur**
Presiding Officer

Dated the 14th day of November, 2011

INDUSTRIAL DISPUTE L.C. No. 122/2006

Clubbed with M.P. 44/2005

Between:
Sri G. Ramesh,
S/o Radha Krishna Murthy,

C/o M/s. J. Seshagiri Rao &
L. Kumarswamy,
8-3-231/A/32, Sri Krishnanagar,
Yousufguda, Hyderabad-45.Petitioner

AND

1. Managing Director,
M/s. Hemadri Cements Limited,
R/o Plot No. 77-D, No. 8-3-1002,
Main Road, Srinagar colony, Hyderabad.
2. Plant Manager/General Manager,
M/s. Hemadri Cements Limited,
Factory at Vedadri, Jaggaiahpet (M),
Krishna District.
3. Managing Director,
M/s. HCL Agro Power Ltd.,
Plot No. 77-D, No. 8-3-1002, Main Road,
Srinagar Colony, Hyderabad.Respondents

APEARANCES:

For the Petitioner : M/s. G. Yadagiri, J. Seshagiri Rao & L. Kumara Swamy, Advocates

For the Respondent : Ch. Ramesh Babu, Ch. Uma Sankar & D. Hemanth, Advocates

AWARD

Sri G. Ramesh an ex. employee of M/s. Hemadri Cements Limited, has filed this petition No. LC 122/2006 under Sec. 2A (2) of the I.D. Act, 1947 for declaration of action of the management in not allowing the Petitioner for duty from 30.3.2006 as illegal, arbitrary, unjust and violative of principles of natural justice and to direct the Respondents to allow the Petitioner into service.

2. Points raised in this petition are: that the Petitioner was appointed as Trainee on 2.9.1985, he was confirmed as Mech-Attendant in the M/s. Hemadri Cements Limited, *vide* order dated 10.11.1987. He worked in that capacity till the date of pending list placed on the notice board on 16.5.2006. He was drawing Rs. 3314.80 ps as wages per month. He has filed M.P. 44/2005 for adjudication of his dues which is pending before this Tribunal.

3. It is further stated that in the month of April, 2002 Respondent No. 1 stopped Petitioner and other employees wages and no wages has been paid from that date onward. Subsequently the management declared lockout on 30.3.2002 without any notice in violation of provisions of labour industrial laws. The Petitioner and other employees are suffering without wages. However, on the request of the workers management of Respondent No. 1 and Respondent No. 3 had agreed to pay the wages to the workers as Respondent No. 3 is the sister concern of Respondent No. 1 and is being managed by

Sri K. Srimannarayana family members. The management has reopened the unit from 31.3.2006 but the Petitioner has not taken on duty and the name of the Petitioner has been kept pending, list has been displayed on the notice board of the company. The action of the Respondent in not taking the Petitioner on duty and not paying his wages amount to termination of services without any notice. The Petitioner has no other alternative but to approach this Tribunal through M.P. 44/2005 and this petition to declare the action of the management as illegal, arbitrary and unjust and in violation of principles of natural justice. Hence this petition.

4. Respondents were called upon to file counter and Respondent No. 1 filed counter statement wherein he has stated that this Tribunal has no power to grant the relief sought by the Petitioner and Respondent No. 2 and 3 are not necessary parties. The Respondent No. 1 is an industrial company registered under the provisions of The Sick Industrial Companies (Special Provisions) Act, 1985 and no leave has been obtained by the Petitioner in terms of Section 22(1) of SICA.

5. Petitioner has stated that he was stopped along with other workers in the month of April, 2002 consequent to declaration of lock-out by Respondent No. 1 on 30.3.2002, but, he has not assailed the action of lockout either through the union or by way of complaint to the Government nor Government has invoked its power under Sec. 10(1) of the Industrial Disputes Act, 1947. Therefore this Petition is not maintainable.

6. The Respondent has submitted that they have paid Rs. 39,422/- toward ex gratia/compensation due to the closure from June, 2002 to 17.4.2004 and also service benefits like gratuity and leave encashment. Not only that the Respondent No. 1 has paid Provident Fund contribution also to the Petitioner.

7. It has further been submitted that the Petitioner has committed misconduct of act of theft of company's property and he was caught red-handed by the security staff of the company and thus he has lost confidence of the Respondent No. 1. Not only that the workers who were not taken on duty, their retrenchment compensation etc. was calculated by the management and paid to them. Petitioner's claim was also determined as per law but the Petitioner did not turn up to receive the amount determined by the management as such, Petitioner can not state that he was not paid the retrenchment compensation of legal dues. This Petition under Sec. 2A(2) is not maintainable because the company was on lockout and that action has not been challenged by the Petitioner. The petition has got no force and deserves to be dismissed.

8. Both the parties were afforded opportunity to file their evidence. Petitioner worker filed his affidavit as his examination in chief and produced himself for cross examination. petitioner has filed five documents Ex. W1 to

W5. No oral evidence has been adduced by the Respondents.

Facts of case No. M.P. 44/2005:

9. This miscellaneous petition has been filed for the computation of amount due to the Petitioner as stated in the computation table to a tune of Rs. 1,75,657.90 ps.

10. It is submitted by the Petitioner that he was appointed as trainee on 2.9.1985 and he was confirmed as Mech-Attendant. The Petitioner was paid wages upto February, 2002, thereafter his wages has not been paid nor the bonus from 1998-99 to 2002-03. The Petitioner learned that company declared lockout on 30.3.2002 without any prior notice and went on filing petition before Hon'ble High Court of A.P., and BIFR/AAIF. An agreement was entered into between the parties but Respondent No. 1 failed to comply with the agreement dated 19.8.2003. Petitioner approached Employees Provident Fund Scheme, 1952 by way of an application to return the claim of PF which was returned to rectify the defects. The Petitioner and other coworkers are starving, no unions are existing in company as such, Petitioner is not able to raise his grievance through union. As such, Petitioner requested that his dues be computed with 18% interest and PF amount be ordered to be paid to the Petitioner.

11. Management has filed counter stating therein that the proceeding under Sec. 33C(2) is of the nature of execution and question of determination of right of the worker is outside the scope of the said provision. The Petitioner claimed net salary of Rs. 3,317.20 P.M. from March, 2002 to August, 2005. This amount has not been ascertained by any competent authority. At any rate the net salary claimed by the Petitioner is Rs. 3317.20 P.M., as such he is not the person included in the definition of workman because his salary was more than Rs. 1600/- P.M. this petition is liable to be dismissed. It has further been stated that Petitioner has admitted that employer declared lockout on 30.3.2002 and company is before the BIFR/AAIFR and has sought protection before the Hon'ble High Court. Even then, the Petitioner has filed this Petition for the wages of lockout period as such, Petitioner's claim can not be allowed. The Petitioner has not challenged the action of lockout nor the government has invoked its power under Sec. 10 of the Industrial Disputes Act, 1947 as such, the Petitioner's claim is devoid of merits. Since the company was under lock out and matter is pending before BIFR/AAIFR, this Tribunal is not in a position to allow the claim the Petitioner. Petition is not maintainable and deserves to be dismissed.

12. Both the parties were directed to produce their evidence. Petitioner worker Mr. G. Ramesh has filed his affidavit as his examination in chief. He has marked five documents Ex. W1 to W5 and produced himself for cross examination. Respondent's has not filed any oral evidence

nor they have filed written or oral arguments. Petitioner's counsel has filed written arguments which has been considered by this Tribunal.

13. Learned Counsel for the Petitioner through his written argument has asserted before this Tribunal that the Petitioner was terminated from the service without following the principles of natural justice illegally, arbitrarily and unjustifiable manner. He has stated that in fact he has filed two petitions before this Tribunal. First one is M.P. 44/2005 for computing his salary and benefits due to him from April, 2002 to 2005 and the second petition has been filed to declare his termination order as illegal, arbitrary and violative of principles of natural justice. He has argued that management has not filed any document. Whereas the Petitioner worker has filed documents Ex. W1 to W5 and has produced himself in support of his claims. Thereby the Petitioner worker has proved that he was terminated from the service illegally and his dues were paid. He was entitled for the salary from April, 2002 to 2005 and Respondent be directed to pay the amount mentioned by him in the calculation sheet filed by him.

14. I have considered this argument as well as oral submission of the Petitioner worker and the case law cited by Learned Counsel for the Petitioner worker. In petition No. M.P. No. 44/2005 the Petitioner has prayed before this Tribunal to compute his pay and allowances as per the calculation sheet filed by him. However, in cross examination by the Respondent on question of entitlement of the Petitioner, the worker Mr. G. Ramesh has stated before this Tribunal in his cross examination that, he has not filed any document to prove that on the date of the closure of the company his salary was Rs. 3317/- P.M. He has further stated that he has not filed any document to show that Respondent No. 2 to 5 are responsible for running of the company. Thus, from the own statement of the Petitioner it is crystal clear that his contention or calculation of the arrears arrived at by him through the computation table filed by him along with claim statement/petition is without any basis because he has nowhere stated either on oath or through any document that his pay in March, 2002 was Rs. 3317/- as such, the very basis of the claim is unfounded and without any proof. Though Respondent has not filed any document or evidence to contradict the claim of the Petitioner, this Tribunal is of the considered view that there is no material before this Tribunal to compute the alleged salary of the Petitioner as has been claimed by him in his computation table.

15. It is noteworthy to mention here that the Petitioner himself has admitted in his cross examination that the factory or company remained closed under lock out from March, 2002 to August, 2005, that is the period for which he has filed claim for computation of the salary and allowances.

16. This prove that the factory was not functioning and Petitioner has not worked during that period, in that event also the petitioner is not entitled for any pay and allowances as claimed by him. It is further noteworthy that the Petitioner has admitted that there was lockout in the company from March, 2002 to August, 2005 and the employees union or the government has not challenged the lockout action of the management as such, this Tribunal is of the considered opinion that the Petitioner is not entitled for any salary or allowances during the period of lockout as such, the miscellaneous petition No. 44/2005 filed by the Petitioner is devoid of any merit and it deserves to be dismissed.

17. Petitioner has filed another claim statement i.e. LC No. 122/2006 in which he has stated that his services were terminated by the management. However, he has alleged in the claim statement that he came to know that the factory was closed due to lockout from March, 2002 to August, 2005 and after the reopening of the company the management has taken required number of employees whereas 29 employees were not re-engaged by the management. However, the Petitioner has admitted that an agreement was entered into between the employees union and the management on 19.8.2005 and those employees who were not reengaged were paid their dues. However, he has denied that he was paid any dues or he has received the dues. This prove that the Petitioner was not terminated or retrenched without following the procedure because there was lockout in the company, the company remained closed for more than three years. Petitioner has filed documents Ex. W1 to W5 which prove that an agreement was entered into between the employees union and the management, a xerox copy of which is produced by the Petitioner workman himself. It was agreed that the arrears of employees will be paid as agreed through the agreement. This prove that there is a union of employees in the Hemadri Cements Ltd., company and the union has entered into agreement after reopening of the company on 19.8.2005 as such, the contention of the Petitioner that there is no union in the company is baseless and devoid of any merit.

18. The Petitioner has challenged his termination order but he has not filed any termination order to prove that the company of the Hemadri Cements Ltd., ordered termination of the Petitioner. However, the evidence filed by the Petitioner documentary as well as oral prove that there was lockout in the company, the company remained closed from April, 2002 to August, 2005. During this period all the employees remained out of duty and they were not paid salary. In that case, if the Petitioner was aggrieved with the action of the management declaring lockout as illegal or against the provisions of Industrial Disputes Act, 1947, it was the duty and responsibility of the Petitioner to raise this issue through the appropriate government as industrial dispute under Sec. 10 of the Industrial Disputes Act, 1947.

19. This petition has not been filed under Sec. 10 of the Industrial Disputes Act, 1947, the Petitioner has not challenged the action of the management declaring lockout in the company but he has chosen to move this Labour Court under Sec.2A(2) of the Andhra Pradesh Amendment. This petition under Sec. 2A(2) is not maintainable because the Petitioner was neither dismissed, discharged nor disengaged by any order or action of the management. The agreement dated 19.8.2005 prove that the employees were re-employed and agreement was entered into. This Tribunal is of the considered opinion that the Petition under Sec.2A(2) is devoid of any merit. Petitioner should have challenged the action of management under Sec.10 of the Industrial Disputes Act, 1947 through the appropriate government which has not been done as such, the Petitioner is not entitled for any relief. The petition is devoid of merit and petition in LC No. 122/2006 is also without any merit. Petitioner is not entitled for any relief in this petition also and this petition is also deserves to be dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 14th day of November, 2011.

Ved Prakash Gaur,
Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri G. Ramesh

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

- Ex.W1: Copy of trainee appointment order dt. 2.9.1985.
- Ex.W2: Copy of pay enhancement order dt. 15.10.1986
- Ex. W3: Copy of confirmation order dt. 10.11.1987
- Ex. W4: Copy of agreement dt. 19.8.2003
- Ex. W5: Copy of pay advice

Documents marked for the Respondent

NIL

नई दिल्ली, 31 जनवरी, 2012

का०आ० 782.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स हनुमान प्रसाद सिंघानिया खान मालिक बीकानेर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 35/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को

31/1/2012 को प्राप्त हुआ था।

[सं० एल-29012/15/2009-आई आर (एम)]
जोहन तोपना, अवर सचिव

New Delhi, the 31st January, 2012

S.O. 782.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....35/2009.....) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Hanuman Prasad Singania, Mine Owner (Bikaner) and their workman, which was received by the Central Government on 31/1/2012.

[No. L-29012/15/2009-IR (M)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Presiding Officer

Sh. N.K. Purohit

I.D. 35/2009

Reference No. L-29012/15/09/IR(M)) dated: 22.10.2009

Sh. Ramganesh Prasad
S/o Sh. Ram Asish Chouhan
C/o Sh. Dhanney Singh
Bhati Ward No. 15, Near Old Police Chowki,
Kolayat, Bikaner.

V/s

M/s Hanuman Prasad Singania,
Mine Owner through Shri R. Singania
S/o Late H.P. Singania
Bachhawaton ka Mohalla, Bada Bazar,
Nr. Haldiram,
Bikaner.

AWARD

23.12.2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:—

"Whether the action of the management of M/s Hanuman Prasad Singania, Owner through Shri Ram Prasad Singania S/o Sh. Hanuman Prasad Singania,

Bikaner in terminating the services of Sh. Ramganesh Prasad w.e.f. 30.11.2003 is just & fair? What relief the workman is entitled to and from which date?"

2. The workman in his claim statement has stated that he was orally engaged by the non-applicant as casual labour on 18.8.1994 but his services have been orally terminated on 30.11.2003. It has been further pleaded that he has worked for more than 240 days in a calendar year & has continuously worked during period August, 1994 to November, 2003 but in spite of this his services have been terminated without any notice or compensation in lieu of notice. It has been alleged that while terminating his services the provisions of section 25-F, G & H & Rule 77 & 78 have not been complied with. Thus, the workman has prayed to reinstate him with back wages & other consequential benefits.

3. None appeared on behalf of the non-applicant despite service of registered notice therefore, ex-party proceedings were drawn against the non-applicant on 6.12.2010.

4. The workman in support of his claim has submitted his affidavit & in documentary evidence he has produced Ex-w-1 to Ex-w-23.

5. Heard the learned representative on behalf of the workman.

6. The learned representative on behalf of the workman has contended that the non-applicant has not appeared to contest the case therefore, there is no reason to disbelieve the version of the workman that he has worked for more than 240 days & his services have been terminated in violation of mandatory provisions of 25-F of the I.D. Act. He has further contended that though the workman has been shown as Supervisor in the reference order but he was not performing any supervisory or managerial work. Moreover, even if he was doing supervisory work he was not drawing wages exceeding limits mentioned in the amended clause (iv) of section 2-s of the I.D. Act. In support of his contentions he has relied on AIR 1988 SC 329, 2000(3) RLR 447, 2009(2) RLW 1127, 2010(3) RLW 2143 SC.

7. I have gone through the decisions referred to by the learned representative on behalf of the workman.

8. In AIR 1988 SC 329 the employee was working as Internal Auditor & he was only checking on behalf of employer. He was not having any independent rights to take decisions therefore, Hon'ble Court held that the employee was a workman within the meaning of 2-S of the I.D. Act. In RLR 2000(3) 447, despite several opportunities having been granted employer failed to produce muster rolls for entire relevant period therefore, Hon'ble Court held that inference was rightly drawn by the labour court that workman had worked for more than 240 days in one calendar

year. In 2009(2) RLW 1127 it has been held that labour court was not to go into the question as to whether appointment had been made in accordance with the procedure under the rules & regulations. The facts of the decisions supra are quite distinguishable.

9. In 2010 (3) RLW 2143 Hob'ble Apex court has observed that initial burden is on the workman to show that he had worked for 240 days in preceding 12 months prior to his alleged retrenchment. Thereafter, burden of proof shifts to employer to prove that he did not complete 240 days of service in requisite period to constitute continuous service.

10. In present case, the workman in his affidavit has deposed that he was engaged on 18.8.1994 as casual labour. He was not performing any supervisory work. He has further deposed that his services have been terminated on 30.11.2003 without any notice or compensation in lieu of notice. To substantiate his case, he has produced documents Ex-w-1 to Ex-w-10, ex-w-1 is copy of attendance register of January, 2002. Ex-2 is statement of PF deductions. Ex-3 is a statement of outstanding salary. Ex-4 to Ex-8 is copies of loading slips. Ex-9 is reply given by the accountant of the non-applicant regarding none payment of PF. Ex-10 is a copy of attendance card.

11. Since ex-party proceedings have been drawn against the non-applicant, there is no cross examination on the affidavit submitted by the workman. The statement of the workman in his affidavit that he has worked for more than 240 days during preceding 12 months from the date of termination has not been controverted. There is no documentary or oral evidence on behalf of the non-applicant to disprove the above statement of the workman on affidavit. In absence of reply to the claim statement & any evidence in rebuttal, it can be inferred that the non-applicant has admitted the claim of the workman regarding 240 working days during requisite period.

12. In absence of any pleading & evidence in rebuttal on behalf of non-applicant, there is no reason to disbelieve the statement of the workman that no notice or retrenchment compensation was paid to him at the time of his termination.

13. In view of above, it is established that services of the workman have been terminated in violation of section 25-F of the I.D. Act.

14. So far as allegations regarding non-compliance of section 25-G & H are concerned there are neither specific pleadings nor any oral or documentary evidence to substantiate the said allegations. Thus, the workman has failed to prove violation of section 25-G & H of the I.D. Act.

15. The learned representative on behalf of the workman has submitted that termination of the workman is in violation of the section 25-F of the I.D. Act therefore, the workman be reinstated with all consequential benefits.

16. This legal position is not in dispute that in case of non-compliance of section 25-F the workman can be reinstated with other consequential reliefs.

17. Earlier in cases of termination in violation of section 25-F reinstatement of the workman with full back wages used to be automatically granted, but keeping in view several other factors, a change in the said trend is now found in the recent decisions of the Hon'ble Supreme Court. In a large number of decisions in the matter of grant of relief of the kind, Hon'ble Apex Court has distinguished between a daily wager who does not hold a post and a permanent employee.

18. In recent decision (2010) 1 SCC (L&S) 545 Jagbir Singh V/s Haryana State Agriculture Mktg. Board after considering the earlier decisions referred to therein on the point should an order of reinstatement automatically follows in a case of violation of section 25-F of the I.D. Act Hon'ble Apex Court has observed that:—

"It would be, thus seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this court and instead compensation has been awarded. This Court has distinguished between a daily wager who does not hold a post and a permanent employee."

19. Continuing this line of approach in decision (2010) 2 SCC (L&S) 376 Hon'ble Apex Court has observed as under:—

"While the earlier view of the Court was that if an order of termination was found to be illegal, normally the relief to be granted would be reinstatement with full back wages. However, with the passage of time it came to be realized that an industry should not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all. The relief to be granted is discretionary and not automatic. A person is not entitled to get something only because it would be lawful to do so. The changes brought out by the subsequent decisions of the Supreme court probably having regard to the changes in the policy decisions of the Government in the wake of prevailing market economy, globalization, privatization and outsourcing was evident. Hence now there is no such principle that for an illegal termination of service the normal rule is reinstatement with back wages, and instead the Labour court can award compensation."

"There has been a shift in the legal position laid down by the Supreme Court and now there is no hard-and-fast principle that on the termination of service being found to be illegal reinstatement with back wages is to be awarded. Compensation can be awarded instead, at the discretion of the Labour Court, depending on the facts and circumstances of the case."

20. In present matter, admittedly the workman was orally engaged as casual labour. He was not holding any regular post. Keeping in view the nature of employment & having regard to the entire facts & circumstances of the case, instead of reinstating him the interest of justice will be served by paying compensation to the workman instead & in lieu of reinstatement in service.

21. Accordingly, the reference is answered in affirmative in favour of the workman & it is held that the action of the management in termination of the services of the workman being in violation of section 25-F of the Act is illegal & unjustified. Therefore, the non-applicant is directed to pay compensation to the workman worth Rs. 35000/- (Thirty Five Thousand only) instead & in lieu of his reinstatement of service. The payment shall be made within eight weeks from the publication of the award failing which it shall carry interest @ 9% per annum.

22. Award as above.

23. Let a copy of the award be sent to Central Government for publication u/s 17(1) of the I.D. Act.

N.K. PUROHIT,
(Presiding Officer)

नई दिल्ली, 31 जनवरी, 2012

का०आ० 783.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स हनुमान प्रसाद सिंघानिया खान मालिक बीकानेर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 29/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 31/1/2012 को प्राप्त हुआ था।

[सं एल-29012/14/2009-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 31st January, 2012

S.O. 783.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (4 of 1947), the Central Government hereby publishes the award (Ref. No.....29/2009.....) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Hanuman Prasad Singania, Mine Owner (Bikaner) and their workman,

which was received by the Central Government on 31/1/2012.

[No. L-29012/14/2009-IR(M)
JOHAN TOPNO, Under Secretary

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JAIPUR

Presiding Officer

Sh. N.K. Purohit

I.D. 29/2009

Reference No. L-29012/14/09/IR(M)

Dated: 6.10.2009

Sh. Kamlesh Singh
S/o Shri Acchan Singh
R/o Mohta Dharamshala
Ward No. 1, Sri Kolayat,
Bikaner.

V/s

M/s Hanuman Prasad Singania,
Mine Owner through Shri Ram Singania
S/o Late Hanuman Prasad Singania
Bacchawaton Ka Mohalla, Bada Bazar,
Hr. Haldiram,
Bikaner.

AWARD

23.12.2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:—

"Whether the action of the management of M/s Hanuman Prasad Singania, Owner through Shri Ram Prasad Singania S/o Late Sh. Hanuman Prasad Singania, Bikaner in terminating the services of Sh. Kamlesh Singh, Supervisor in the month of March, 2006 is just & fair? What relief the workman is entitled to and from which date?"

2. The workman in his claim statement has stated that he was orally engaged by the non-applicant as casual labour on 1.1.1992 but his services have been orally terminated in the month of March, 2006. It has been further pleaded that he has worked for more than 240 days in a calendar year & has continuously worked during period January, 1993 to February, 2006 but in spite of this his services have been terminated without any notice or compensation in lieu of notice. It has been alleged that while terminating his services the provisions of section 25-

F, G & H & Rule 77 & 78 have not been complied with. Thus, the workman has prayed to reinstate him with back wages & other consequential benefits.

3. None appeared on behalf of the non-applicant despite service of registered notice therefore, ex-party proceedings were drawn against the non-applicant on 6.12.2010.

4. The workman in support of his claim has submitted his affidavit & in documentary evidence he has produced Ex-w-1 to Ex-w-23.

5. Heard the learned representative on behalf of the workman.

6. The learned representative on behalf of the workman has contended that the non-applicant has not appeared to contest the case therefore, there is no reason to disbelieve the version of the workman that he has worked for more than 240 days & his services have been terminated in violation of mandatory provisions of 25-F of the I.D. Act. He has further contended that though the workman has been shown as Supervisor in the reference order but he was not performing any supervisory or managerial work. Moreover, even if he was doing supervisory work he was not drawing wages exceeding limits mentioned in the amended clause (iv) of section 20s of the I.D. Act. In support of his contentions he has relied on AIR 1988 SC 329, 2000(3) RLR 447, 2009(2) RLW 1127, 2010(3) RLW 2143 SC.

7. I have gone through the decisions referred to by the learned representative on behalf of the workman.

8. In AIR 1988 SC 329 the employee was working as Internal Auditor & he was only checking on behalf of employer. He was not having any independent rights to take decisions therefore, Hon'ble Court held that the employee was a workman within the meaning of 2-s of the I.D. Act. In RLR 2000(3) 447, despite several opportunities having been granted employer failed to produce muster rolls for entire relevant period therefore, Hon'ble Court held that inference was rightly drawn by the labour court that workman had worked for more than 240 days in one calendar year. In 2009(2) RLW 1127 it has been held that labour court was not to go into the question as to whether appointment had been made in accordance with the procedure under the rules & regulations. The facts of the decisions supra are quite distinguishable.

9. In 2010 (3) RLW 2143 Hon'ble Apex court has observed that initial burden is on the workman to show that he had worked for 240 days in preceding 12 months prior to his alleged retrenchment. Thereafter, burden of proof shifts to employer to prove that he did not complete 240 days of service in requisite period to constitute continuous service.

10. In present case, the workman in his affidavit has deposed that he was engaged on 1.1.1992 as casual labour.

He was not performing any supervisory work. He has further deposed that his services have been terminated in the month of March, 2006 without any notice or compensation in lieu of notice. To substantiate his case, he has produced documents Ex-w-1 to Ex-w-17. Ex-w-1 & w-2 are copies of attendance register of May, 1992 & January, 2002 respectively. Ex-w-3 is a statement of outstanding salary. Ex-w-4 is reply given by accountant of the non-applicant regarding non-payment of PF. Ex-5 to Ex-16 are copies of the loading slips & Ex-17 is a copy of attendance card of Feb. 1992.

11. Since ex-party proceedings have been drawn against the non-applicant, there is no cross examination on the affidavit submitted by the workman. The statement of the workman in his affidavit that he has worked for more than 240 days during preceding 12 months from date of termination has not been controverted. There is no documentary or oral evidence on behalf of the non-applicant to disprove the above statement of the workman on affidavit. In absence of reply to the claim statement & any evidence in rebuttal, it can be inferred that the non-applicant has admitted the claim of the workman regarding 240 working days during requisite period.

12. In absence of any pleading & evidence in rebuttal on behalf of non-applicant, there is no reason to disbelieve the statement of the workman that no notice or retrenchment compensation was paid to him at the time of his termination.

13. In view of above, it is established that services of the workman have been terminated in violation of section 25-F of the I.D. Act.

14. So far as allegations regarding non-compliance of section 25-G & H are concerned there are neither specific pleadings nor any oral or documentary evidence to substantiate the said allegations. Thus, the workman has failed to prove violation of section 25-G & H of the I.D. Act.

15. The learned representative on behalf of the workman has submitted that termination of the workman is in violation of the section 25-F of the I.D. Act therefore, the workman be reinstated with all consequential benefits.

16. This legal position is not in dispute that in case of non-compliance of section 25-F the workman can be reinstated with other consequential reliefs.

17. Earlier in cases of termination in violation of section 25-F reinstatement of the workman with full back wages used to be automatically granted, but keeping in view several other factors, a change in the said trend is now found in the recent decisions of the Hon'ble Supreme Court. In a large number of decisions in the matter of grant of relief of the kind, Hon'ble Apex Court has distinguished between a daily wager who does not hold a post and a permanent employee.

18. In recent decision (2010) 1 SCC (L&S) 545 Jagbir Singh V/s Haryana State Agriculture Mktg. Board after considering the earlier decisions referred to therein on the point should an order of reinstatement automatically follows in a case of violation of section 25-F of the I.D. Act Hon'ble Apex Court has observed that:—

"It would be, thus seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded. This court has distinguished between a daily wager who does not hold a post and a permanent employee."

19. Continuing this line of approach in decision (2010) 2 SCC (L&S) 376 Hon'ble Apex Court has observed as under:—

"While the earlier view of the Court was that if an order of termination was found to be illegal, normally the relief to be granted would be reinstatement with full back wages. However, with the passage of time it came to be realized that an industry should not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all. The relief to be granted is discretionary and not automatic. A person is not entitled to get something only because it would be lawful to do so. The changes brought out by the subsequent decisions of the Supreme Court probably having regard to the changes in the policy decisions of the Government in the wake of prevailing market economy, globalization, privatization and outsourcing was evident. Hence now there is no such principle that for an illegal termination of service the normal rule is reinstatement with back wages, and instead the Labour court can award compensation."

"There has been a shift in the legal position laid down by the Supreme Court and now there is no hard-and-fast principle that on the termination of service being found to be illegal reinstatement with back wages is to be awarded. Compensation can be awarded instead, at the discretion of the Labour Court, depending on the facts and circumstances of the case."

20. In present matter, admittedly the workman was orally engaged as casual labour. He was not holding any regular post. Keeping in view the nature of employment & having regard to the entire facts & circumstances of the

case, instead of reinstating him the interest of justice will be sub served by paying compensation to the workman instead & in lieu of relief of reinstatement in service.

21. Accordingly, the reference is answered in affirmative in favour of the workman & it is held that the action of the management in termination of the services of the workman being in violation of section 25-F of the Act is illegal & unjustified. Therefore, the non-applicant is directed to pay compensation to the workman worth Rs. 35000/- (Thirty Five Thousand Only) instead & in lieu of his reinstatement of service. The payment shall be made within eight weeks from the publication of the award failing which it shall carry interest @ 9% per annum.

22. Award as above.

23. Let a copy of the award be sent to Central Government for publication u/s 17(1) of the I.D. Act.

N.K. PUROHIT,
Presiding Officer

नई दिल्ली, 31 जनवरी, 2012

का०आ० 784.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स हनुमान प्रसाद सिंघानिया खान मालिक बीकानेर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 30/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.1.2012 को प्राप्त हुआ था।

[सं. एल-29012/13/2009-आईआर(एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 31st January, 2012

S.O. 784.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.30/2009.....) of the Central Government Industrial Tribunal/ Labour Court Jaipur now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s Hanuman Prasad Singania, Mine Owner (Bikaner) and their workman, which was received by the Central Government on 31.1.2012.

[No. L-29012/13/2009-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Presiding Officer

Sh. N.K. Purohit

I.D. 30/2009

Reference No. L-29012/13/09/IR(M) dated: 5.10.2009

Sh. Dhanney Singh
S/o Shri Ram Singh Rajpoot
Ward No. 15, Near Old Police Chowki Kolayat,
Bikaner.

V/s

M/s Hanuman Prasad Singania,
Mine Owner through Shri Ram Singania
S/o Late Hanuman Prasad Singania
Bachhawaton Ka Mohalla, Bada Bazar,
Nr. Haldiram Bhujjawala,
Bikaner.

AWARD

23.12.2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:—

"Whether the action of the management of M/s Hanuman Prasad Singania, Mine Owner through Shri Ram Singania S/o late Shri Hanuman Prasad Singania, Bikaner in terminating the services of Sh. Dhanney Singh, Supervisor w.e.f 25.12.2002 is just & fair? What relief the workman is entitled to and from what date?"

2. The workman in his claim statement has stated that he was orally engaged by the non-applicant as casual labour in the month of April, 1988 but his services have been orally terminated on 25.12.2002. It has been further pleaded that he has worked for more than 240 days in a calendar year & has continuously worked during period 1988 to 2002 but in spite of this his services have been terminated without any notice or compensation in lieu of notice. It has been alleged that while terminating his services the provisions of section 25-F, G & H Rule 77 & 78 have not been complied with. Thus, the workman has prayed to

reinstate him with back wages & other consequential benefits.

3. None appeared on behalf of the non-applicant despite service of registered notice therefore, ex-party proceedings were drawn against the non-applicant on 6.12.2010.

4. The workman in support of his claim has submitted his affidavit & in documentary evidence he has produced Ex-W-1 to Ex-W-23.

5. Heard the learned representative on behalf of the workman.

6. The learned representative on behalf of the workman has contended that the non-applicant has not appeared to contest the case therefore, there is no reason to disbelieve the version of the workman that he has worked for more than 240 days & his services have been terminated in violation of mandatory provisions of 25-F of the I.D. Act. He has further contended that though the workman has been shown as Supervisor in the reference order but he was not performing any supervisory or managerial work. Moreover, even if he was doing supervisory work he was not drawing wages exceeding limits mentioned in the amended clause (IV) of section 2-S of the I.D. Act. In support of his contentions he has relied on AIR 1988 SC 329, 2000(3) RLR 447, 2009(2) RLW 1127, 2010(3) RLW 2143 SC.

7. I have gone through the decisions referred to by the learned representative on behalf of the workman.

8. In AIR 1988 SC 329 the employee was working as Internal Auditor & he was only checking on behalf of employer. He was not having any independent rights to take decisions therefore, Hon'ble Court held that the employee was a workman within the meaning of 2-S of the I.D. Act. In RLR 2000(3) 447, despite several opportunities having been granted employer failed to produce muster rolls for entire relevant period therefore, Hon'ble Court held that inference was rightly drawn by the labour court that workman had worked for more than 240 days in one calendar year. In 2009(2) RLW 1127 it has been held that labour court was not to go into the question as to whether appointment had been made in accordance with the procedure under the rules & regulations. The facts of the decisions supra are quite distinguishable.

9. In 2010 (3) RLW 2143 Hon'ble Apex court has observed that initial burden is on the workman to show

that he had worked for 240 days in preceding 12 months prior to his alleged retrenchment. Thereafter, burden of proof shifts to employer to prove that he did not complete 240 days of service in requisite period to constitute continuous service.

10. In present case, the workman in his affidavit has deposed that he was engaged in the year 1988 as casual labour. He was not performing any supervisory work. He has further deposed that his services have been terminated in 25.12.2002 without any notice or compensation in lieu of notice. To substantiate his case, he has produced documents Ex-w-1 to Ex-w-23. Ex-w-1 & w-2 are copies of attendance register of May, 1992 & January, 2002 respectively. Ex-w-3 is a statement of particulars regarding deduction of PF. Ex-w-4 is a statement outstanding salary. Ex-w-5 is a certificate of experience submitted by the Mines Manager of the non-applicant under coal mines regulations. Ex-w-6 to w-21 are copies of loading slips & Ex-w-22 is reply regarding complaint of non payment of PF & Ex-w-23 is a copy of attendance card of February, 1997. Upon perusal of above documents, it reveals that employer employee relationship existed between the workman & the non-applicant.

11. Since ex-party proceedings have been drawn against the non-applicant, there is no cross examination on the affidavit submitted by the workman. The statement of the workman in his affidavit that he has worked for more than 240 days during preceding 12 months from the date of termination has not been controverted. There is no documentary or oral evidence on behalf of the non-applicant to disprove the above statement of the workman on affidavit. In absence of reply to the claim statement & any evidence in rebuttal, it can be inferred that the non-applicant has admitted the claim of the workman regarding 240 working days during requisite period.

12. In absence of any pleading & evidence in rebuttal on behalf of non-applicant, there is no reason to disbelieve the statement of the workman that no notice or retrenchment compensation was paid to him at the time of his termination.

13. In view of above, it is established that services of the workman have been terminated in violation of section 25-F of the I.D. Act.

14. So far as allegations regarding non-compliance of section 25-G & H are concerned, there are neither specific

pleading nor any oral or documentary evidence to substantiate the said allegations. Thus, the workman has failed to prove violation of section 25-G & H. of the I.D. Act.

15. The learned representative on behalf of the workman has submitted that termination of the workman is in violation of the section 25-F of the I.D. Act therefore, the workman be reinstated with all consequential benefits.

16. This legal position is not in dispute that in case of non-compliance of section 25-F the workman can be reinstated with other consequential reliefs.

17. Earlier in cases of termination in violation of section 25-F reinstatement of the workman with full back wages used to be automatically granted, but keeping in view several other factors, a change in the said trend is now found in the recent decisions of the Hon'ble Supreme Court. In a large number of decisions in the matter of grant of relief of the kind, Hon'ble Apex Court has distinguished between a daily wager who does not hold a post and a permanent employee.

18. In recent decision (2010) 1 SCC (L&S) 545 Jagbir Singh V/s Haryana State Agriculture Mktg. Board after considering the earlier decisions referred to therein on the point should an order or reinstatement automatically follows in a case of violation of section 25-F of the I.D. Act Hon'ble Apex Court has observed that:—

"It would be, thus seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded. This court has distinguished between a daily wager who does not hold a post and a permanent employee."

19. Continuing this line of approach in decision (2010) 2 SCC (L&S) 376 Hon'ble Apex Court has observed as under:—

"While the earlier view of the Court was that if an order of termination was found to be illegal, normally the relief to be granted would be reinstatement with

full back wages. However, with the passage of time it came to be realized that an industry should not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all. The relief to be granted is discretionary and not automatic. A person is not entitled to get something only because it would be lawful to do so. The changes brought out by the subsequent decisions of the Supreme court probably having regard to the changes in the policy decisions of the Government in the wake of prevailing market economy, globalization, privatization and outsourcing was evident. Hence now there is no such principle that for an illegal termination of service the normal rule is reinstatement with back wages, and instead the Labour court can award compensation."

"There has been a shift in the legal position laid down by the Supreme Court and now there is no hard-and-fast principle that on the termination of service being found to be illegal reinstatement with back wages is to be awarded. Compensation can be awarded instead, at the discretion of the Labour Court, depending on the facts and circumstances of the case."

20. In present matter, admittedly the workman was orally engaged as casual labour. He was not holding any regular post. Keeping in view the nature of employment & having regard to the entire facts & circumstances of the case, instead of reinstating him the interest of justice will be served by paying compensation to the workman instead & in lieu of relief of reinstatement in service.

21. Accordingly, the reference is answered in affirmative in favour of the workman & it is held that the action of the management in termination of the services of the workman being in violation of section 25-F of the Act is illegal & unjustified. Therefore, the non-applicant is directed to pay compensation to the workman worth Rs. 35000/- (Thirty Five Thousand Only) instead & in lieu of his reinstatement of service. The payment shall be made within eight weeks from the publication of the award failing which it shall carry interest @ 9% per annum.

22. Award as above.

23. Let a copy of the award be sent to Central Government for publication u/s 17(1) of the I.D. Act.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 31 जनवरी, 2012

कानून 785.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसर में केन्द्रीय सरकार ऐसर्स आदित्य सीमेंट वर्क्स चित्तौड़गढ़ के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 69/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 31/1/2012 को प्राप्त हुआ था।

[सं. एल- 29012/23/2005-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 31st January, 2012

S.O. 785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.69/2005) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Aditya Cements Works (Chittorgarh) and their workman, which was received by the Central Government on 31/1/2012

[No. L-29012/23/2005-IR (M)]

JOHAN TOPNO, Under Secretary

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, JAIPUR

PRESENT

N.K. PUROHIT
Presiding Officer

I.D. 69/2005

Reference No. L-29012/23/2005-IR(M) dated: 15/7/2005

Shri Kailash Rawat
C/o Secy. B.M.S. Chittorgarh,
Th. Shri Baldev Maud
S/o Sh. Amba Shankar Maud
R/o Saigva, PO Similiya
Chittorgarh.

V/s

The Executive President
M/s Aditya Cements Works
Adityapuram
Sawa-Shambhpura
Distt: Chittorgarh (Rajasthan)

AWARD

3.1.2012

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:—

"Whether the contention of the Union that the workman had worked with the management of Aditya Cement Works for period more than 240 days prior to his termination from service is correct? If so, whether the action of the management in terminating the services of the workman justified? If not, to what relief the workman is entitled?"

2. The workman in his claim statement has pleaded that he was employed as an Assistant Operator on 5.3.1994 in the mines of non-applicant & he has worked as such from 5.3.1994 to 15.4.2004. He has further pleaded that he has worked for more than 240 days in each calendar year but despite this his services have been terminated on 15.4.2004 in violation of principle of natural justice. The workman has prayed to reinstate him with all consequential benefits.

3. The non-applicant in its reply has denied the claim of the workman. It has been contended that workman was never employed as an Assistant Operator & he was employee of the labour contractor M/s Krishna Trading Company. It has further been contended that his wages used to be paid by the said contractor. No employer employee relation ever existed between the workman & the non-applicant. Therefore, claim of the workman deserves to be rejected.

4. The workman has filed his affidavit & certain documents in support of his claim.

5. During proceedings an application was moved on behalf of the workman on 3.1.2012 stating that he was an employee of the labour contractor M/s Krishna Trading Company & he himself had left the service of said contractor. The dispute between them has been settled therefore, he may be allowed to withdraw his claim.

6. The learned representative on behalf of the applicant has submitted that dispute between the parties has been settled & workman does not want to proceed further in the matter. He has further submitted that since no dispute exists between the parties & no grievance left with the workman, the matter may be disposed of accordingly.

7. Initial burden was on the workman to prove that employer employee relation existed between the parties & he had worked under the employment of the non-applicant for more than 240 days during preceding 12 months from the date of his termination.

8. The workman in his application has admitted that he was an employee of M/s. Krishna Trading Company & no dispute exists between the parties. Thus, it has been admitted by the workman that he was not an employee of the non-applicant i.e. Aditya Cement Works & employer-employee relation did not exist between him & the non-applicant.

9. Consequently, the reference is answered in negative against the workman. Resultantly, the workman is not entitled to any relief. The reference under adjudication is answered accordingly.

10. Award as above.

11. Let a copy of the award be sent to Central Government u/s 17(1) of the I.D. Act for publication.

N.K. PUROHIT, Presiding Officer.

शुद्धि-पत्र

नई दिल्ली, 31 जनवरी, 2012

का०आ० 786.—इस मंत्रालय की दिनांक 30.11.2011 की समसंख्यक अधिसूचना में आंशिक संशोधन करते हुए सेंट्रल बैंक ऑफ इंडिया के प्रबंधन से संबंधित नियोजकाओं तथा इसके कर्मकारों के मध्य औद्योगिक विवाद में पंचाट संदर्भ संख्या 01/2004 को 2004 की विविध । आवेदन संख्या 01 के रूप में प्रतिस्थापित किया जाये।

[सं० एल- 12025/1/2005-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

CORRIGENDUM

New Delhi, the 31st January, 2012

S.O. 786.—In partial modification of this Ministry's Notification of even numer dated 30.11.2011, the Award Ref. No. 01/2004 may be substituted as Misc. Application No. 01 of 2004 in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman.

[No. L-12025/1/2010-IR (B-II)]

SHEESH RAM, Section Officer

नई दिल्ली, 1 फरवरी, 2012

का०आ० 787.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स गेल इंडिया लिमिटेड वडोदरा के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय अहमदाबाद के पंचाट (संदर्भ संख्या 9/2010 पुरान रेफर 84/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 1/2/2012 को प्राप्त हुआ था।

[सं० एल- 30011/38/2009-आईआर (एम)]

जोहन तोपनी, अवर सचिव

New Delhi, The 1st February, 2012

S.O. 787.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.9/2010 Old. Ref. 84/2010) of the Central Government Industrial Tribunal/Labour Court Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Gas Authority of India Ltd. (Baroda) and their workman, which was received by the Central Government on 1/02/2012

[No. L-30011/38/2009-IR (M)]

JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present.....

Binay Kumar Sinha,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad, Dated 17.01.2012

Reference: ITC No. 9 of 2010 Old

Reference: CGITA of 84 of 2010

The Dy. General Manager,
Gas Authority of India Ltd.,
Manisha Circle, Old Padra Road,
Baroda-390015.

.....First Party

And their workman
Allied Services Workers Co-Op. Society Ltd.,
C/o Rashtriya Mazdoor Union,
Aram Building, Poolbarinaka,
Salatwada, Vadodara.

.....Second Party

For the first party Shri B.K. Oza, Advocate

For the second party Shri Sarla Kurup, General Secretary Rashtriya Mazdoor Sangh

AWARD

The Industrial Dispute was raised by 17 workmen through General Secretary Rashtriya Mazdoor Union demanding for recruitment/absorption of 17 workmen before the conciliation officer. On submitting of failure report by the conciliation officer, the Appropriate Government (Central Government) considering an Industrial Dispute

existing between the employers in relation to the Management of Gas Authority of India Ltd., and their workmen referred the dispute for adjudication by the tribunal as per order L-30011/38/2009 (IR) (M) New Delhi dated 19.03.2010 under clause (d) of sub-section (1) and sub section 2 (A) of section 10 of the Industrial Disputes Act, 1947 formulating a terms of reference as per the schedule which is as follows.

SCHEDULE

"Whether the demand of the union for recruitment/absorption of S/Shri (1) Lukose Simon (2) Jitendra Dave (3) Chetan Mistry (4) Mahesh Vankar (5) Fatehsingh Parmar (6) Ashok Solanki (7) Laxman Solanki (8) Poojabhai Solanki (9) Rajendrabhai Patel (10) Sanabhai Solanki (11) Jagdish Solanki (12) Chatur Solanki (13) Raman Solanki (14) Ganpat Solanki (15) Kalodas Solanki (16) Chandu Solanki and (17) Sanjay C Bhoi is legal, proper and just? To what relief these concerned workmen are entitled?"

2. Parties to the dispute were noticed for appearances and for filing respective pleadings—statement of claim and written statement. The second party workmen through their union Rashtriya Mazdoor Union filed statement of claim at Ext. 7 to the effect that jobs these workmen have been doing are of perennial nature and will remain so till the production activities of GAIL exists and that the system of C0-Operative Society has no justification or reason to continue and that the service of these workmen should be regularised as per the terms of settlement between the societies and the first party company or if the continuation of this system is necessary then equal remuneration for equal work may be paid at par with regular employees of GAIL. The union have prayed for relief as to absorption of these workmen in the service of the first party and for extending benefits to them at par with permanent employees like Wage revision, Medical, Canteen facilities, HRA, Education and LTA, Food grain allowances, etc. and for paying similar wages to these workmen which are being paid to the comparable grades of permanent employees. Further a complaint under section 10 (A) of the ID Act 1947 at Ext. 8 was filed on behalf of the second party praying therein for restraining first party company from making any changes in the service condition of the workmen. Against this reply at Ext. 10 was filed by the first party GAIL denying the allegation as to change of the service and that the concern workman are guided by the MOS which is for limited period of 5 years and on expiry of the period of MOS it can not be termed as change in service condition. On these grounds prayer was made to dismiss the complaint made by the second party. Further the second party

filed application for interim relief at Ext. 14 and its copy supplied to the lawyer of the first party upon which show-cause-notice was issued upon the first party (GAIL) directing to show cause within 21 days of receipt of the order of show cause, thereafter the first party filed reply to the interim application at Ext. 16 taking the plea that no any ingredients of prima-facie case, balance of convenience and irreparable loss is available in the case of second party for issuance of interim r e l i e f .

3. While the matter was pending for hearing on the interim application, a withdrawal pursis a Ext. 17 was filed on 09.01.2012 and this withdrawal pursis was also endorsed by Shri B.K. Oza, advocate for the first party mentioning "no objection". On 16.01.2012 the withdrawal pursis at Ext. 17 was pressed. Both sides were heard. Also pursued the record and the withdrawal pursis at Ext. 17. It appears that that good sense have prevailed between the parties to sort out their dispute outside the court resulting in filing of the withdrawal pursis. This pursis is allowed. Since the parties are not at dispute now in this case, so there is no need for answering the terms of reference. Subsequently in view of the withdrawal pursis (Ext. 17) no dispute award in this reference case is passed.

Let copies of this award be sent to the appropriate government for publication and needful.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 1 फरवरी, 2012

का०आ० 788.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मैग्निज और इंडिया लिमिटेड नागपुर के प्रबंधतत्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 33/84) को प्रकाशित करती है जो केन्द्रीय सरकार को 1/2/2012 को प्राप्त हुआ था।

[सं. एल-27011/15/83-डी-3(बी)-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st February, 2012

S.O. 788.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....33/84) of the Central Government Industrial Tribunal/Labour Court Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Manganese Ore (India) Ltd. (Nagpur) and their workman, which was received by the Central

Government on 1/02/2012.

[No. L-27011/15/83-D-III(B)-IR (M)
JOHAN TOPNO, Under Secy.]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/33/84
PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

The President,
Krantikari Mazdoor Mines Parishad,
PO Balaghat (MP) Workman

Versus

The Chairman-Cum-Managing Director,
Manganese Ore (India) Ltd.,
3, Mount Road, Extension,
Nagpur (Maharashtra) Management

AWARD

Passed on this 20th day of January 2012

1. The Government of India, Ministry of Labour *vide* its Notification No. L-27011(15)/83-D-III(B) dated 30-5-1984 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the management of Managanese Ore India Ltd., in relation to their Bharveli Managanese Mines in dismissing from service *w.e.f.* 16-12-1982 Smt. Reshmibai, Smt. Bundabai, Smt. Sukmanbai and Smt. Buttabai, piece-rated workers is justified? If not, to what relief are the workmen concerned entitled?"

2. The case of the Union/workwomen, in short is that the workwomen were members of the Union and they had authorized the Union to represent their case. It is stated that on 27-6-1982 some agitation took place in the form of demonstration before the office of the management of Bharveli (Balaghat) Manganese Mine under the leadership of one Shri Kanker Mujare, President of the Union resulting in unfortunate firing by the police causing death of three employees of the mine and injury to some others. The Balaghat police prosecuted some persons under various sections of the I.P.C. and three criminal cases were initiated. These workwomen were not accused in any of the three criminal cases arising out of the said incident. They had not committed any offence, nor were member of unlawful assembly. They did not participate any way in the incident. However the Manager of Bharveli (Balaghat) Mine on the enmity with some persons falsely chargesheeted them on 18-8-82 under the provision of clauses 29(A)(X), 29(B)(ii)(VII)(X) and (XII) of the Standing Orders. They denied the charges and gave reply. The management

ultimately initiated a departmental proceeding and Enquiry Officer was appointed who was witness in the criminal case regarding the same occurrence. Relevant documents were not supplied. The enquiry was conducted in the atmosphere of terror and fear and to victimize the workwomen. After enquiry, the Disciplinary Authority passed the order dated 16-12-1982 of dismissal from services. The dismissal is void, illegal, malafide and contrary to the principle of natural justice. It is submitted that the workwomen are entitled to be reinstated with back wages and other benefits admissible to them.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, interalia, is that the workwomen were employed in Mnaganese Ore (India) Ltd., Bharveli Mine. They had been chargesheeted on 18-8-1982 regarding the occurrence dated 27-6-1982. They denied the allegations by giving reply which was found not satisfactory to the management. Ultimately Shri K.N. Tripathi was appointed as an Enquiry Officer. After enquiry, he submitted his enquiry report. The Mine's Manager issued showcause proposing their dismissal from services. After considering the reply, the Mine's Manager decided to reconduct the enquiry on 29-10-82 and again appointed Shri K.N. Tripathi as an Enquiry Officer. The said Enquiry Officer again conducted the enquiry. Thereafter he gave the findings on 30-11-1982 holding the workwomen guilty of the misconduct. Then the chief Mining Engineer gave a showcause notice to the workwomen proposing the punishment of dismissal from services. The workwomen submitted their reply. After considering the Disciplinary Authority passed the order of dismissal from services to the workwomen *w.e.f.* 16-12-1982 in view serious misconduct proved against them. It is stated that if the departmental proceeding is vitiated, the management be given opportunity to prove the misconduct in Court. It is submitted that the action of the management in dismissing the workwomen from services *w.e.f.* 16-12-1982 is fully justified.

4. On the basis of the pleadings of the parties, the following issues are settled for adjudication—

- I. Whether the enquiry is proper and legal?
- II. Whether the punishment awarded is proper and legal?
- III. Whether the management is entitled to lead evidence before this Tribunal?
- IV. Whether the termination of the workman is justified on the facts of the case?
- V. Relief and costs?

5. Issue no. I & III

Both the issues are taken up as preliminary issues by the then Tribunal. After considering the entire materials

on record, it is held that the entire domestic enquiry is not legal and proper *vide* order dated 10-6-1988 and the parties are directed to lead evidence before this Tribunal to prove misconduct. Thus both the issues are already decided on 10-6-1988 and the management did not prefer to challenge this order of preliminary issues. As such these two issues have reached its finality.

6. Issue No. IV

Before discussing the evidence of the parties on the point of misconduct, it is not out of place to say that there is no document filed to show that there was any complaint of any officer or employee of the management or any preliminary enquiry report for issuing chargesheet dated 18-8-1992 against these workwomen. Admittedly they were not named in the criminal cases filed regarding the same occurrence. This question arises as to how the names of these workwomen arose for issuing chargesheet against them. This creates complete doubt about their involvement in the alleged occurrence. The chargesheet issued against the workwomen also shows that there is no basis of issuing chargesheet against these workwomen. This aspect clearly shows that there was predetermined mind of the management to victimize these workwomen on the pretext of some one or these workwomen were escape goat to save the neck of the management as three workers died in the alleged occurrence.

7. It is also not out of place to say that the order dated 10-6-1988 passed by the then Tribunal on preliminary issues show that it is also held that the chargesheet issued by the Manager was illegal and unauthorized and by a person incompetent to do so. The said order has become absolute as the said order is not challenged subsequently by any of the parties. However now let us examine as to whether the management is able to establish misconduct against the workwomen.

8. Since the departmental enquiry is vitiated, the burden is on the management to prove misconduct against the workwomen. The management has not adduced any documentary evidence in the case to show that anyone had complaint to the management in writing of instigation to gherao the Manager and for abusing the workers against these workwomen. The management has examined six witnesses namely 1. Smt. Daruk Bai, 2. Smt. Sunder Bai, 3. Shri Suchand, 4. Smt. Chandrawati Bai, 5. Smt. Yashoda Bai and 6. Shri S.C. Trivedi Sr. Manager (Personnel). Out of these witnesses, 1. Smt. Daruk Bai, 2. Smt. Sunder, 3. Shri Suchand, 4. Smt. Chandrawati Bai and 5. Smt. Yashoda Bai have not supported the alleged facts which took place near the office of the manager as they had not left the place of their work. Their evidence clearly shows that the office of the manager was not visible from the place of their work. These witnesses are not reliable on the point of occurrence and the participation of these workwomen which was alleged to have been taken place near the office of the Manager.

9. These five witnesses are only on the point that these workwomen had instigated the witnesses to gherao the Mine Manager and other officers but these witnesses refused to leave the place of work then they abused them. Now let us examine the credibility of the evidence of these witnesses. All these five witnesses are members of INTUC Union whereas these workwomen are members of Krantikari Mazdoor Mines Parishad. It appears and looks probable that there was Union rivalry also and they without any complaint they had been chargesheeted. The evidence filed by was of affidavits of these witnesses were typed on 30-6-91 whereas thumb impression was taken on 7-4-92 at Chhindwara on the affidavits after about a year and the same were presented before the Tribunal for oath. Admittedly they were illiterate. The circumstances clearly shows that it was typed by the management and the thumb impression was simply taken of these witnesses on the affidavits after the lapse of one year.

10. Smt. Daruk Bai has stated that she came alongwith Shri Chourasia who readout the contents of the affidavit and told her to speak only as in the affidavit. The said affidavit was tendered at Chhindwara which was brought by Shri Trivedi and Shri Chourasia. Her evidence clearly shows that she was a tutored witness and was set up for the purpose of the case because there was no complaint by this witness to the management earlier that she was instigated to gherao the office of the Manager and abused by them. Smt. Sunder Bai has stated that she had given this affidavit at Chhindwara and was put before the Tribunal for oath. She has stated that she had not gone in the office of the Manager and at the time of dispute she was in her section. This witness is also not reliable who was not present at the place of occurrence. Another management witness Shri Suchand has stated that the Mining Officer Shri Sharma brought the affidavit after typing and he signed over it. This creates compete doubt in the thruthfulness of his evidence that the evidence by way of affidavit was not given by him. Another management witness Smt. Chandrawati has stated in her evidence that the lawyer had read over the affidavit and told her to narrate in the same way. This shows that she was a tutored witness. She was also not a witness on the point of occurrence which was alleged to have been taken place near the office of the Manager. She has stated that she had not seen the occurrence near the office of the Manager. Her evidence is also not trustworthy. Another management witness Smt. Yashoda Bai has stated that she had not seen occurrence alleged to have been committed near the office of Manager. She appears to be not competent to say about the occurrence. She has also stated that she did not know as to where and when the affidavit was typed and three years ago the signature and thumb impression was taken and produced before the officer at Chhindwara. This fact also shows that the affidavit was prepared by the management and she had been told to narrate accordingly. She is also

not a reliable witness. Thus the evidence of these five witnesses go to show that they were tutored witnesses as they had not made any complaint either oral or in writing before giving chargesheets to the delinquent workwomen and the names of the witnesses also do not appear in the chargesheet. The witnesses were of different Union and one of the witness Shri Suchand was Deputy Secretary of the Union whereas the delinquent workwomen were of different Union and therefore it appears probable that there was Union rivalry and they had been falsely implicated. They were also not witnesses of the alleged occurrence and appear to be tutored witnesses.

11. The management last witness is Shri S.C. Trivedi who was Sr. Manager (Personnel). He is the only witness on the point of occurrence. The Manager, who was said to have been gheraoed is not examined in the case who appears to be the most competent witness and no explanation is given by the management as to why he was not examined. He has stated that he was posted at Balaghat Mine on 27-6-1982 and was present in the office of the Manager. He has stated that he does not know that any criminal case was lodged with regard to the alleged occurrence. Subsequently he has admitted that the police had investigated the alleged occurrence and the police had taken his statement as well. This shows that the witness was not ready to disclose the truth before the Court. He has stated that he had also deposed before the Criminal Court as well. Again he has shown his ignorance that he had taken the names of these delinquent workwomen before the criminal court. The Union/workwomen has filed the judgement of the criminal court which is marked as Exhibit W/I which clearly shows that these delinquent workwomen were not accused in the said criminal case and their names did not appear in the F.I.R. He was not witness of the departmental enquiry. He has stated at para-10 that he does not know that as to when the affidavit was prepared. His evidence shows that after about a decade he had taken the names of these workwomen for the first time as there is no evidence or allegation against these workwomen before the criminal court which was of the same occurrence. There is also no previous statement of this witness oral or in writing to show that he had taken the names of these workwomen. Moreover it appears that he does not want to speak truth before the Court. This creates complete doubt in the credibility of his evidence. Thus the oral evidence adduced by the management is not sufficient to prove the misconduct against the delinquent workwomen.

12. On the other hand, the Union/workwomen has examined three witnesses including the delinquent workwomen Smt. Bunda Bai and Smt. Sukman Bai. These witnesses have denied the participation of the delinquent workwomen in the alleged occurrence for which a criminal case was also lodged against others. Smt. Bunda Bai has supported the case of the Union/workwomen. She has admitted that they were member of Krantikari Union and if

any dispute arose, they tried to settle the dispute. This fact does not show that they had participated in the unlawful assembly and instigated others for committing misconduct. She has denied the allegation of the chargesheet. She has been cross-examined at length but nothing was gained by the management. Another witness Smt. Anjana Bai is an independent witness. She has stated that these delinquent workwomen were not present at the place of agitation and had not participated in the occurrence. She had stated that the members of the INTUC Union were also present and they were doing provocation where three persons died on police firing. She had further stated that the police lodged cases against 20-25 persons but these workwomen were not made accused in the case. She has stated that the delinquent Reshma Bai had died. There is nothing in her evidence to disbelieve this witness who was co-worker and was working in the same shift. The last witness Smt. Sukan Bai has also supported the case of the Union. She has denied the allegation in her evidence. Her evidence shows that there is nothing to disbelieve this witness. Thus the oral evidence adduced by the Union shows that these workwomen had not participated in the agitation nor they had instigated nor abused anyone.

13. The Union has filed certified copy of the judgement dated 27-2-99 passed by the First Addl. Sessions Judge, Siwani, MP in Sessions Case Nos. 7/84, 8/84 and 9/84. These Sessions cases appear to be of the same occurrence in which 23 accused persons were facing trial. The learned 1st Addl. Sessions Judge found them not guilty and acquitted them from the charges leveled against them. It is clear from the judgement that these delinquent workwomen were not accused in the case. It also shows that Mines Manager had given information in writing to the police and on the basis of the information F.I.R. was lodged. The copy of the said information petition is not filed in this case to substantiate the misconduct. It looks probable and obvious that information petition did not disclose the names of these workwomen and therefore it was concealed and was not filed. Moreover they were not made accused in the case. Considering the entire evidence adduced by the parties, the management has failed to prove misconduct against any of the workwomen. As such the management was not justified in terminating the services of these workwomen. This issue, is, accordingly, decided in favour of the workwomen and against the management.

14. Issue Nos. II and V

Considering the discussions made above, I find that the management has failed to prove the misconduct against the workwomen. As such the order of dismissal dated 16-12-82 passed against the workwomen is, hereby set aside. The management is directed to reinstate the workwomen with back wages and pay all consequential benefits. In case any of the workwomen died or has attained

the age of superannuation, the management is directed to pay retiral benefits also to the said workwomen or their legal heirs as if they had retired or died in service. Accordingly the reference is answered.

15. In the result, the award is passed without any order to costs.

16. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN,
Presiding Officer

नई दिल्ली, 1 फरवरी, 2012

का०आ० 789.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार मैसर्स एरिस एण्ड संन्स कोन्ट्रटर सेक्शन्डिहि आयरन माइन्स आफ ओ एम सी लिमिटेड कैन्योन्झर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 22/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 1/2/2012 को प्राप्त हुआ था।

[सं० एल-26011/12/2006-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st February, 2012

S.O. 789.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2006....) of the Central Government Industrial Tribunal/Labour Court Bhubaneswar-2 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Secredihi Iron Mines of OMC Ltd. (Keonjhar) and their workman, which was received by the Central Government on 01/02/2012

[No. L-26011/12/2006-IR(M)]

JOHAN TOPNO, Under Secretary.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT BHUBANESWAR

Present:

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 22/2006

Date of Passing Award-30th December, 2011

Between:

1. M/s. Ares & Sons, Contractor,
Secredihi Iron Mines of OMC Limited,
Dubna, Via. Joda, Distt. Keonjhar.
2. The Sr. Manager (Mining),
Dubna Secredihi Mines of M/s OMC Ltd.,
At./Po. Dubna, Via. Joda Distt. Keonjhar.

... 1st Party-Managements.

(And)

Their workmen represented through the
General Secretary, North Orissa Workers Union,
Po. Barbil, Distt. Keonjhar.

... 2nd Party-Union.

Appearances:

Shri K.R. Mohapatra, ... Authorized Representative	For the 1st Party- Management No. 1.
Shri S.R. Pattnaik, ... Manager (Law),	For the 1st Party- Management No. 2
Shri B.S. Pati, ... General Secretary, North Orissa Workers' Union.	For the 2nd Party- Union.

AWARD

The Government of India in the Ministry of Labour has referred the present industrial dispute existing between the employers in relation to the management of Contractor, Secredihi Iron Mines of OMC and their workmen in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 *vide* their letter No. L-26011/12/2006-IR(M), dated 04.09.2006.

2. The dispute referred for adjudication as mentioned under the schedule is reproduced below:—

"Whether the action of the Contractor, M/s. Ares & Sons, Dubna Secredihi Iron Mines of OMC Ltd., At./PO. Dubna Via-Joda, Distt. Keonjhar by terminating the services of 98 workmen *w.e.f.* 27.4.2005 (list enclosed) without serving any written order and also in violation of provision of law is justified? If not, what relief the workmen are entitled?

3. The North Orissa Workers Union espousing the cause of the disputant-workmen has filed the statement of claim in which it has been stated that the 1st Party-Management No. 1 *i.e.* the Senior Manager (Mining), Secredihi Iron Mines of M/s. OMC Limited, At./PO. Dubna, Distt. Keonjhar is having a systematic activity carried on by co-operation between itself and its workmen including the workmen engaged by its contractors for the purpose of raising of iron ore in its Dubna Secredihi Iron Mines for their use and supplying the same to different units/establishments with a view to satisfy human wants and it

is an Industry as defined under section 2(j) of the Industrial Disputes Act, 1947. The 1st Party-Management No. 2 has engaged a number of contractors for raising of iron ore etc and the 1st Party-Management No. 1 i.e. M/s. Ares and Son is one such contractor who has engaged a number of workmen for smooth functioning of its activities and each of the disputant-workmen are its employees. All the disputant workmen joined the services of the 1st Party-Management No. 1 on 5.8.2003 as PRW (Miner). Besides their wages they were entitled to provident fund, bonus, leave and other benefits admissible to similar employees/workmen of the 1st Party-Management. The 2nd Party-Union is safeguarding the interest of the above workers working under the 1st Party-Management. The above Union through its letter dated 19.9.2003 requested the Management to issue "employment cards and wage slips" to all the workers in compliance of the provisions of the Contract Labour (Regulation and Abolition) Act, 1971 and a copy of the said letter was endorsed to the Asstt. Labour Commissioner (Central), Rourkela who in turn directed the Labour Enforcement Officer (Central), Barbil to inspect the establishment and initiate legal action against the employer *vide* its letter No. 95(6)/2001-Rkl/A, dated 23.1.2004. The workers also informed the Collector, Keonjhar *vide* their letter dated 20.11.2004 and requested him to interfere and do the needful so that their names are entered in the Form-B Register of the establishment of the 1st Party-Management. The Collector, Keonjhar directed the Deputy Director, Mines, Joda, Keonjhar to enquire and submit a detailed report in the matter whereupon the Dy. Director, Mines, Joda, Keonjhar had submitted his report after inspection *vide* his letter No. 9478/Mines, dated 21.2.2005 mentioning therein gross irregularity on the part of the 1st Party-Management No. 1 in violating Section 48 (3) of the Mines Act, 1952. The Officer-in-charge, Grievance, Collectorate, Keonjhar *vide* his letter dated 8.4.2005 informed the Labour Enforcement Officer, Barbil to take appropriate action to regularize the matter and for violation of the provisions of Mines Act, 1952. A copy of the above letter was also endorsed to the Asstt. Labour Commissioner (Central), Rourkela and the Regional Provident Fund Commissioner, Rourkela. The 1st Party-Management on coming to know about the developments as aforesaid immediately terminated the services of the 2nd Party-workmen with effect from 27.4.2005 without any rhyme and reason. The 2nd Party-Union through its letter dated 03.05.2005 requested the 1st Party-Management to reinstate the disputant-workmen with full back wages and also sent a copy of the above letter to the Regional Labour Commissioner (Central) Rourkela. The disputant workmen had discharged their responsibilities with utmost sincerity and honesty and it had never given any chance for dissatisfaction. They were never served with any charge-sheet nor any domestic enquiry was conducted against them nor they were proceeded with any disciplinary action at any point of time. The disputant-workmen had worked

under the 1st Party-Management from 5.8.2003 to 26.4.2005 continuously without any interruption or break in service till they were illegally refused employment on 27.4.2005. The action of the 1st Party-Management in terminating the services of the disputant workmen with effect from 27.4.2005 in a most arbitrary manner without following the basic principles of natural justice and in violation of the provisions of Industrial Disputes Act stands highly improper, unjustified and illegal which is not sustainable in the eyes of law. They were neither given any retrenchment compensation nor any notice or wages in lieu of such notice. The basic principle of "first come last go" has also not been followed. As such the disputant-workmen are entitled to be reinstated in their services with effect from 27.4.2005 with full back wages and other consequential benefits.

4. The 1st Party-Management No. 1 has stated in its reply that a concocted story for the purpose of making a false allegation has been made by the 2nd Party-Union. The statement of claim is based on presumption of facts alleged by Labour Enforcement Officer (Central), Barbil in his letter dated 95(6)/2001-Rkl/A, dated 23.1.2004. The 2nd Party-Union requested the 1st Party-Management *vide* its letter dated 19.9.2003 to issue "employment cards and wage slips" to all workers which is nothing but a false pretext to start a motivated dispute against the 1st Party-Management. Hence the 1st Party-Management denies all its allegations in toto. The claim of the 2nd Party-Union is not maintainable as it does not have any cause of action against the 1st Party-Management to file the present case. The 1st Party-Management has not at any point of time engaged the disputant-workmen as alleged in the statement of claim except six workmen namely Ramani Nayak, Gamha Nayak, Rajani Deuri, Pravati Sethi, Parikh Dehuri and Donar Damolia and they have absolutely no dispute with the 1st Party-Management. Since there was no appointment or deployment of the disputant-workmen by the 1st Party-Management the question of their termination does not arise at all. Filing of several false grievance petitions before the various state machineries without any just cause and implicating the employer without his knowledge under whom the workmen were never employed at any point of time require strict proof.

5. The 1st Party-Management No. 2 has filed the written statement in which it has been alleged that out of the list of 98 persons filed by the 2nd Party-Union only six persons were working under the 1st Party-Management No. 1, M/s. Ares & Sons whose names have been mentioned in para-2 of its written statement. Rest of the 98 persons were not working under the said contractor as per records of the 1st Party-Management. The agency has paid the monthly wages and annual leave wages to its workers including the above named six workmen and excluding the 92 persons as mentioned in the list of the 2nd Party-Union in presence of the authorized representative of the principal

employer as well as the Union representatives of Keonjhar Mines and Forest Workers Union. The principal employer has engaged M/s. Ares & Son as a raising contractor who in turn had engaged several workmen for such raising work. So the contract labour engaged by the contractor does not come within the purview of the employer and employee relationship. The register required to be maintained under section 48 of the Mines Act, 1952 does not disclose the names of 92 persons as claimed by the 2nd Party-Union to have been engaged as workmen under the 1st Party-Management No. 1. Therefore, the workmen in question are not entitled to any relief.

6. On the pleadings of the parties, following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the Disputants Sl. No. 22 (Shri Gamha Naik), Sl. No. 53, (Ramani Naik), Sl. No. 54, (Rajani Dehury), Sl. No. 61 (Prabhati sethi), Sl. No. 77 (Parikha Dehury), and Sl. No. 81 (Danar Dangulia) have been terminated from service with effect from 27.4.2005 by the management of M/s. Ares & Sons and if so whether the said termination was in accordance with the law.
3. Whether the disputants Sl. No. 1 to Sl. No. 98 except Sl. No. 22, Sl. No. 53, Sl. No. 54, Sl. No. 61, Sl. No. 77 and Sl. No. 81 were working under the management No. 1 (M/s. Ares & Sons) as piece rated workers and if so whether they have been terminated without due compliance of the legal requirements.
4. If not, to what relief the workmen are entitled to?
6. That 2nd Party-Union has examined W.W.-1, Shri Ramani Naik and W.W.-2 Shri Debakar Mahanto in evidence and proved four documents marked as ext.-1, 2, 2/1 and 3.
7. The 1st Party-Management No. 1 has examined M.W.-1 Prasanta Deba Ray and M.W.-2 Tarun Kumar Das and proved certain documents marked as Ext.-A to Ext.-G.
8. That, the 1st Party-Management No. 2 has not adduced any evidence.

FINDINGS

ISSUE NO. 1

9. There does not appear any point in issue regarding maintainability of the reference. Perhaps this issue has been framed *suo-moto* by the Court itself without any pleadings of the parties. It has surely been pleaded by the 1st Party-Management No. 1 that the claim as laid is not maintainable as the 2nd party-Union does not have any cause of action to file the present claim because the 1st Party-Management No. 1 has never engaged the said workmen of the 2nd Party-Union excepting six workmen namely Shri Gamha Naik, Shri Ramani Naik, Smt. Rajani Dehury, Smt. Prabhati

Sethi, Shri Parikha Dehury and Shri Danar Dangulia who have no dispute with the 1st Party-Management. But here it is worth mentioning that all the 98 disputant workmen have raised the dispute alleging that they were the workmen under the contractor M/s. Ares & Sons, Dubuna Secredihi Iron Mines of M/s. O.M.C. Limited, Joda, Distt. Keonjhar and their termination from service is illegal. Whatsoever their stand may be, but this does not uproots the claim of all the workmen involved in the case. As such the reference cannot be held non-maintainable in view of the pleadings of the parties. This issue is decided in the negative.

ISSUE NO. 2

10. Admittedly the disputants at Sl. No. 22 (Shri Gamha Naik), Sl. No. 53, (Shri Ramani Naik), Sl. No. 54, (Smt. Rajani Dehury), Sl. No. 61 (Smt. Prabhati Sethi), Sl. No. 77 (Shri Parikha Dehury) and Sl. No. 81 (Shri Danar Dangulia) were workmen working under the contractor i.e. the 1st Party-Management No. 1 M/s. Ares & Sons, Secredihi Iron Mines of O.M.C. Limited, Dubna, *Via*. Joda, distt. Keonjhar. Out of these six workmen Shri Ramani Naik has been examined as W.W.-1 by the 2nd Party-Union who has stated in his evidence that he and five others were terminated from service in 2006 since the mining operation was closed. He has further stated that "we were not paid any retrenchment compensation nor any letter of termination by the contractor, M/s. Ares & Sons". But in his cross examination he has asserted that "I did not complain in the office of the O.M.C. regarding non payment of terminal benefits". Earlier to it he has denied that he had received the retrenchment compensation, on being sent to him by postal money order. W.W.-2 Shri Dibakar Mahanta has also stated that the above named six workmen were removed in the year 2006 but he has not said anything regarding payment of terminal benefits to these six persons. It has come in evidence of both these witnesses that they and many other workers were engaged by the 1st Party-Management No. 1 to split the iron ore during the year 2003 to 2005 and the names of W.W.-1 Ramani Nayak and five other workmen were entered in Form B-Register after enquiry by the Deputy Director Mines/Labour Enforcement Officer. Since the 1st Party-Management No. 1 has admitted these six persons as their workers and their names being entered in Form-B Register, there remains no dispute that these six workmen were the employees of the 1st Party-Management No. 1, M/s. Area & Sons. This fact is also borne out from Ext.-3, Order of the Asst. Provident Fund Commissioner (Comp.) SRO, Rourkela.

11. The witnesses produced on behalf of the 1st Party-Management No. 1 have stated that they know only six persons out of the 98 workers shown in the list enclosed with the schedule of reference. Their names were entered into Form-B Register and they were the regular employees of the 1st Party-Management No. 1. M.W.-1 Prasanta Debray has disclosed in his evidence that he had worked in the

said mine from July, 2003 to June, 2006 as the said mine was closed in 2006. But there is no denial of the fact on behalf of the 1st Party-Management that Dubna Secredihi Iron Mines were closed for operation in the year 2006. Hence this fact cannot be disputed that the aforesaid six persons were terminated from service in the year 2006 after closure of the said mines. But there is no proof that they were paid any terminal benefits by the 1st Party-Management No. 1. Neither there is any averments in this regard in the written statement nor any evidence in proof of it has been led by the 1st Party-Management No. 1. It means that termination of services of these six persons was not in accordance with law, and the provisions of Section 25-F of the Industrial Disputes Act, 1947 were infringed by the 1st Party-Management No. 1 M/s. Area & Sons, while terminating their services. This issue is accordingly decided in the affirmative but with the modification that their services were not terminated with effect from 27.4.2005 but in the year 2006 and therefore the said six workmen will be entitled to receive terminal benefits with effect from the date of their termination in the year 2006.

ISSUE NO. 3

12. The 2nd Party-Union espousing the cause of the disputant workmen has alleged that the 98 workers as per list enclosed with the letter of reference were working under the 1st Party-Management No. 1, M/s. Ares & Son as piece rated workers and their services were terminated without due compliance of legal requirements. But the 1st Party-Management No. 1 has asserted that only six workmen whose names are mentioned at Sl. Nos. 22, 53, 54, 61, 77 and 81 were working under it and rest of the persons were not their workmen. It is an admitted fact that except the aforesaid six workmen names of other workmen were not entered into the B-Form register. It was the further allegation that they were not issued any employment cards and wage slips. Hence they made a complaint to the Assistant Labour Commissioner (Central), Rourkela whereupon on the direction of the Distt. Magistrate, Keonjhar, the Deputy Director, Mines, Joda, Keonjhar made inspection of the establishment of the 1st Party-Management No. 1 and submitted his report to the District Magistrate, Keonjhar mentioning therein gross irregularities found on inspection. The officer in-charge, Grievance, Collectorate, Keonjhar informed the Labour Enforcement Officer (Barbil) to take appropriate action and a copy of the letter was also sent to the Assistant Labour Commissioner (Central), Rourkela and Regional Provident Fund Commissioner, Rourkela. When the 1st party-Management came to know about the developments it immediately terminated the services of the workmen with effect from 27.4.2005 without any rhyme or reason, though they had worked continuously without any interruption or break in service from 5.8.2003 to 26.4.2005 and no retrenchment compensation or notice was given to them.

13. The 1st Party-Management No. 2 has also denied the engagement of all the workmen except those mentioned at Sl. Nos. 22, 53, 54, 61, 77 and 81 and stated that they have never engaged rest of the 98 workmen in their establishment.

14. The 2nd party-Union in order to prove the engagement of the disputant workmen has examined two witnesses, namely Shri Ramani Naik as W.W.-1 and Shi Dibakar Mahanta as W.W.-2. W.W.-1 Ramani Naik is one of the six workmen whose engagement under the 1st Party-Management No. 1 is admitted and W.W.-2 Dibakar Mahanta is one of the 92 workmen whose engagement is denied by the 1st Party-Management No. 1. Both of these witnesses have stated in their evidence that they along with many other workers were engaged by the 1st Party-Management during the year 2003 to 2005, but they do not know the names of all such workers. Some of the names of the workers were recalled by W.W.-1, but W.W.-2, Dibakar Mahanta could not recollect the names of any of the 92 workers. Except the complaint, Ext.-1 and the report of the Deputy Director, Mines, Joda, Keonjhar Ext.-2 there is no reliable or substantial proof to establish that these 92 persons were working under the 1st Party-Management No. 1 in the Dubna Secredihi Mines during the period under reference. They Deputy Director, Mines under his report Ext.-2 has found that several workers of the list were absent on the date of enquiry and only workers as mentioned at Sl. Nos. 36, 58, 70 to 73 and 77 to 98 were reported to be working in Quarry No. 3 of Secredihi mines, but it seems that no efforts were taken by him to fix the identity of the workers present on the date of enquiry and the period of their engagement. Ext.-3 is the order of assessment of Assistant P.F. Commissioner, S.R.O., Rourkela which also does not prove that the persons named in the list were working in the establishment of the 1st Party-Management No. 1 during the period of assessment i.e., from April, 2004 to March, 2005. No other disputant workman out of the 92 has dared to come in the witness box to depose in support of their claim. It has come in the evidence of W.W.-1 and W.W.-2 that they were engaged on thikka basis to split the iron ore. Hence it cannot be said with certainty that all the workers were engaged through-out the period under reference by the contractor. However, burden to prove their claim heavily lies on the 2nd Party-Union which they could not discharge satisfactorily to the hilt. Therefore the claim of the 92 disputant-workmen cannot be accepted. This issue is accordingly decided against the 2nd Party-Union and it is held that the 92 disputant workmen were not the workmen of the 1st Party-Management No. 1 and therefore no question arises about their termination without due compliance of legal requirements.

ISSUE NO. 4

15. In view of the findings recorded under Issue No. 2 and 3, only six workmen mentioned at Sl. No. 22 (Shri

Gamha Naik), Sl. No. 53, (Shri Ramani Naik), Sl. No. 54, (Smt. Rajani Dehury) Sl. No. 61 (Smt. Prabhati Sethi), Sl. No. 77 (Shri Parikha Dehury), and Sl. No. 81 (Shri Danar Dangulia) are only entitled to get terminal benefits or the benefits provided under section 25-F of the Industrial Disputes Act, 1947 from the 1st Party-Management No. 1 and rest of the disputants are not entitled to get any relief from the 1st Party-Management No. 1.

16. The reference is answered accordingly.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 2 फरवरी, 2012

का०आ० 790.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसी० लिमिटेड एवं के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, धनबाद नं० 1 के पंचाट (संदर्भ संख्या 63/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02.02.2012 को प्राप्त हुआ था।

[सं. एल-20012/235/1991-आईआर (सी-1)]
डीएसएस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 2nd February, 2012

S.O. 790.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/1992) of the Central Government Industrial Tribunal-cum-Labour Court-I, DHANBAD, as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 02.02.2012.

[No. L-20012/235/1991-IR (C-I)]
D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 63 of 1992

Parties : Employers is relation to the management of Gopinathpur colliery of M/s. E.C. Ltd.

AND

Their Workmen.

Present : Shri H.M. Singh,
Presiding Officer.

Aparances:

For the Employers : Shri B.M. Prasad, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

State : Jharkhand. Industry : Coal.

Dated, the 24-01-2012.

AWARD

By Order No. L-20012(235)/91-IR(Coal-I) dated 29.07.1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of M/s. Eastern Coalfields Ltd., Nirsha Area in relation to their Gopinathpur Colliery in not regularising S/Shri Chhatu Gope and 20 others as Water Supplier is justified? If not, to what relief the workmen concerned is entitled?" A list of workers is enclosed.

2. The case of the concerned workmen is that Chhatu Gope and 20 others have been working as Water Carrier of Gopinathpur colliery since long with unblemished record of service. They have been performing permanent nature of job continuously under direct control and supervision of the management. All the concerned workmen have put in 240 days attendance in each calendar year. As per wage Board Recommendation the Water Carriers are entitled for Category-I wages. though the concerned workmen are entitled for Cat. I wages, but the management is paying them much below the rate of NCWA. The concerned workmen represented before the management several times for their regularisation and payment of wages as per NCWA, but without any effect. Thereafter the union raised an industrial dispute before the A.L.C.(C), Dhanbad, but the same ended in failure. So, the dispute has been referred to this Tribunal for adjudication. The action of the management in not regularising the concerned workmen and in not paying them wages as per NCWA was discriminatory in nature and against the provision of statute.

It has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the management by directing the management to regularise them with retrospective effect with all arrears of wages and consequential benefits.

3. The case of the management is that the management purchases several stores materials and other items required for use by it from time to time and the parties who supply the same are suppliers. There exists no employer-employee relationship between the suppliers of materials and the purchasers of the same. The management had made arrangement in the residential township which is

located for away from the colliery for supply of drinking water to a section of the workers/employees. A residential township does not fall within the definition of Mine under the Mines Act, 1952. For this purpose from time to time, the management made arrangement with different persons at different times for taking responsibility of supplying such drinking water to a section of employees residing in the colliery through their own arrangements subject to payment for supply of water at agreed rates from time to time. It has been submitted that this arrangement is surely an arrangement as between a supplier and purchaser. The person who took the responsibility for making such arrangement or the persons through whom he was supplying water, were not the same. They were changing from time to time. The management as per the above arrangement paid the water supply contractor/party periodically for the quantity of water supplied at agreed rates on the basis of bills submitted by him and payment was made to him through vouchers. When the management found that the above arrangement was no longer necessary, it was discontinued. The management is under no obligation to continue the arrangement when it was not necessary to do so. The party who took the responsibility for supply of water, was keeping his own man for the purpose and making payment of wages to them. The management has nothing to do with this arrangement.

In such circumstances, it has been prayed that this Hon'ble Tribunal be pleased to reject the claim of the Union and answer the reference in favour of the management.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The concerned workmen have not produced any evidence.

The management produced MW-1, Indu Bhusan Pandey.

6. Main demand made by the sponsoring union is for regularisation of Chhatu Gope and 20 others who are water suppliers to the management of M/s.E.C.L.

7. The management argued that the concerned persons are water suppliers and they cannot be regularised.

8. No evidence has been produced nor any document has been produced by the concerned persons which may prove that they have worked with the management and they are employees of the management and payment is made to them by the management. No payment receipt, Identity card and no appointment letter has been filed by the concerned persons. The management's witness, MW-1, Indu Bhusan Pandey, clearly stated that they are water suppliers to the management and they are not employees of the management.

9. Considering the above facts and circumstances, I

hold that the action of the management of M/S.E.C.L. Nirsha Area in relation to their Gopinathpur colliery in not regularising S/Shri Chhatu Gope and 20 others as water supplier is justified and so they are not entitled to any relief.

This is my Award.

H.M. Singh, Presiding Officer

नई दिल्ली, 2 फरवरी, 2012

का०आ० 791.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसरण में, केन्द्रीय सरकार छिंदवाड़ा क्षेत्रीय ग्रामीण बैंक प्रबंध तंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण जबलपुर के पंचाट (संदर्भ संख्या 32/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-02-2012 को प्राप्त हुआ था।

[सं. एल-12012/207/2003-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 2nd February, 2012

S.O. 791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 32/04 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of *Chhindwara-Kshetriya Gramin Bank*, and their workmen, received by the Central Government on 02/02/2012

[No. L-12012/207/2003-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/32/04

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

The Secretary,
Madhya Pradesh Bank Employees Association Unit,
Chhindwara, C/o Shri Manoj Kumar Wankhede,
Chhindwara

Workman/Union

Versus

The Chairman,
Chhindwara Kshetriya Gramin Bank,
Head Office, 800/19,
South Civil Lines,
Chhindwara (MP) Management

AWARD

Passed on this 16th day of January 2012

1. The Government of India, Ministry of Labour vide its Notification No.L-12012/207/2003/IR(B-I) dated 15-3-2004 has referred the following dispute for adjudication by this tribunal:—

“क्या चेयरमैन छिंदवाड़ा सिवनी क्षेत्रीय ग्रामीण बैंक, छिंदवाड़ा माझे के प्रबंधक हारा श्री मनोज कुमार वानखेडे आत्मज श्री भगवानदास वानखेडे छिंदवाड़ा सिवनी क्षेत्रीय ग्रामीण बैंक की टिडी एवं खावासा शाखा में वर्ष 1993 से दैनिक वेतन भोगी संदेशवाहक के रूप में कार्य पर रखा एवं नियमित कर्मचारी का दर्जा न देकर दिनांक 22.03.98 से सेवा से पृथक करने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित कर्मचारी किसी अनुतोष का हकदार है?”

2. The case of the Workman/Union in short is that the workman Manoj Kumar Bhagwandas Wankhede was engaged by the management Bank at Post Reddy Branch on daily wages @ Rs. 14.85ps per day from 30-3-93 as messenger. Subsequently the branch shifted to Post Khawasa in the year 1994. He was also shifted there. He worked continuously till 21-3-1998 and thereafter he was suddenly terminated orally without following the mandatory provision of Section 25 F, 25 G and 25 H of the Industrial Dispute Act, 1947 (in short the Act, 1947). He had completed 240 days in each and every year. It is submitted that his termination is illegal, void-ab-initio and is fit to be set aside.

3. The management appeared and contested the reference by filing Written Statement. The case of the management, *inter alia*, is that the workman was engaged purely on part time as daily wager Safai Karmi in the said branch of the Bank. He worked in the year 1993 for one day, in the year 1994 for 120 days, in the year 1995 for 180 days, in the year 1996 for 143 days, in the year 1997 for 126 days and in the year 1998 for 47 days only. He had not worked 240 days or more in any of the calendar year. It is stated that the provision of the Act, 1947 was not violated and the workman was not entitled to any compensation. He has filed photocopy of the certificate issued by the then Branch Manager, Khawasa but it was found that the workman forged the number of days by altering the figure of 180 days to 480 days. It is submitted that the workman is not entitled to any relief.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication—

I. Whether the action of the management in terminating the services of Shri Manoj Kumar Wankhede daily wages messenger *w.e.f.* 22.3.98 instead of regularization is justified and legal?

II. To what relief, the workman is entitled?

5. Issue No. I

According to the workman, he worked 240 days in each and every year and without complying the provision of the Act, 1947, he was terminated whereas the management contented that he had never worked 240 days or more in any of the calender year. To prove the case, the workman is examined in the case. The workman has state in his cross-examination that he worked 180 days from March, 1997 to March 1998. This itself proves that his service is not deemed to be in continuous service for a period of one year during a period of twelve calender months preceding the date with reference under the provision of Section 25B(2) of the Act, 1947. When his service is not deemed to be in continuous service for a period of one year, then the provision of Section 25-F of the Act, 1947 is not said to have been violated and he appears to be not a retrench employee. His evidence shows that the action of the management is justified. The management has not examined any evidence in the case. The burden was on the workman to prove his case. Thus this issue is decided in favour of the management and against the workman.

6. Issue No. II

On the basis of the discussion made above, I find that the workman is not entitled to any relief. Accordingly the reference is answered.

7. In the result, the award is passed without any order to costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

Mohd. Shakir Hasan, Presiding Officer

नई दिल्ली, 2 फरवरी, 2012

का०आ० 792.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यू.पी. एयरवेजेस लिमिटेड के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली नं. 2 के पंचाट (संदर्भ संख्या 18/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02.02.2012 को प्राप्त हुआ था।

[सं. एल-11012/32/1998-आईआर(सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 2nd February, 2012

S.O. 792.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/1999) of the Central Government Industrial Tribunal-cum-Labour Cour-II, Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s U.P. Airways Ltd. and their workman,

which was received by the Central Government on 2.2.2012.

[No. L-11012/32/1998-IR(C-I)]

D.S.S. Srinivasa Rao, Desk Officer

ANNEXURE

IN THE COURT OF SHRI SATNAM SINGH,
RESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
ROOM NO. 33, BLOCK-A, GF, KARKARDOOMA
COURT COMPLEX, KARKARDOOMA, DELHI.

ID NO. 18/1999

In the matter of dispute between
Shri Pritam Singh
C-I/136, Janak Puri, New Delhi.

Workman

Versus

U.P. Airways Ltd.
A-2, Defence Colony, New Delhi
Management

AWARD

The Central Government, Ministry of Labour *vide* Order No. L-11012/32/98-IR(C-I) dated 16.12.1998 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the management UP Airways in terminating the services of Shree Pritam Singh, Senior Commander on 23.7.1997 is just, fair and legal? If not, to what relief is he entitled?"

2. Briefly stated, the case of the workman as stated in his statement of claim is that he was employed by the respondent/management as Senior Commander *vide* appointment letter dated 13.4.1995 and in that capacity he has been flying F-27 air crafts. That he has been working with the management since 1.6.1995 on a total salary of Rs. 1,00,000/- per month, net of taxes, the break up of which was Rs. 95,000/- as basic and Rs. 5,000/- as HRA. That all through he maintained clean meritorious record of service. The workman being captain and flying the air craft is a workman under the provisions of Industrial Disputes Act, 1947.

3. That the services of the workman were abruptly terminated by the management in a most illegal, unlawful and unjustified manner *vide* its letter dated 23.7.1997 for alleged acts of misconduct without giving any opportunity to him to tender his explanation and without holding a domestic enquiry as required under the Law. The order of dismissal thus issued is patently illegal, unlawful, arbitrary, vindictive and by way of victimization.

4. That under the grab of alleged misconduct the workman has been victimized for having demanded his

legal dues. Though the workman was appointed on a salary of Rs. 95,000/- per month and HRA of Rs. 5,000/- per month, net of taxes, but the management without any justification had been withholding his part salary ever since his appointment. Despite assurances given by the management from time to time the unpaid salary and allowance of the workman were not remitted and as such as a last resort he was driven to a situation to send a written demand dated 20.7.1997 requesting the respondent/management for settlement of his due salary and other allowances. The said letter was handed over to Ms. Roshni, personal secretary to the Managing Director Shri Subash Gulati. That Mr. Gulati was intimated about the contents of the demand notice dated 20.7.1997. That on 22.7.1997 when the workman reached Mumbai with an air craft instructions were lying ready for him that he should see the Managing Director at 15.00 hours on 22.7.1997 and he was demanded an explanation for having put up a written demand for payment of salary. When reminded that demand was legitimate and the workman had asked for his due salary and allowances the Managing Director abruptly asked him without any rhyme and reason or provocation to tender his resignation. The workman agreed to submit to his dictates but politely asked him first to settle his account and then he will resign. The Managing Director however got furious and asked the workman not to operate any further flight and to go back to Delhi. That it is at the instance of the Managing Director that the workman was handed over IAC flight tickets for Delhi. It is thus clearly evident and established without any idea of doubt that the services of the workman have been terminated by way of victimization for having demanded his legitimate, legal and due salary and allowances. The Managing Director thus dismissed the workman and other pilots in most illegal and unjustified manner as their dues were accumulating and the market conditions were extremely unfavourable to the pilots at that point of time and they were available at lesser salary. The management thus chose to get rid of the workman and other pilots by hook or by a crook by taking cover under false and flimsy allegations.

5. It is further the case of the workman that there is absolutely no truth or merit in the allegations which are contained in the letter of dismissal *vide* which he has been illegally removed from service. The allegations of the management that the workman refused to undertake regular scheduled flights to various destinations from 22.7.1997 are in fact a pack of lies. The correct and factual position in this regard has already been stated above. The workman had operated the flight to Mumbai on 22.7.1997 and was required to stay at Mumbai for the next four days as per schedule. It was the Managing Director who got furious on account of his having put up a legitimate demand for payment of his due salary and allowances and sent him back to Delhi with Captain Bindra and provided IAC tickets to them. There is, therefore, absolutely no truth in the

allegations that the workman refused to operate flights from 22.7.1997. On the contrary the management had already made up its mind to terminate the services of the workman for having committed a mistake of asking his legitimate dues. It is nothing but victimization and unfair labour practice on the part of the respondent/management. That no flight was given to the workman to operate on 23.7.1997. The workman had personally gone to the office on 23.7.1997 morning and was not detailed for any flight. Having abruptly removed from duty the management decided to justify its action by making false and frivolous allegations. That the purported allegations in the letter of termination are fabricated. As stated above, the workman has been victimized for no fault of his. He committed a mistake by asking for his legitimate dues which the management have been illegally and unlawfully withholding thereby putting the workman under acute financial strain.

6. That after having received the letter of dismissal the workman duly refuted all the allegations which were levelled against him vide his letter dated 05.08.1997 which was never rebutted. The management obviously had nothing to say against the demand notice and various averments raised therein and no reply whatsoever was sent to the said letter. The averments thus raised by the workman remains uncontested and unrebutted and be deemed to be accepted by the management. It would thus be seen from the above that the order of dismissal on the face of it is vindictive and aimed at victimizing the workman for having demanded his withheld salary which the management did not like. That the written demand infuriated the management and it was on this account that the management dispensed with the services of the workman and other pilots which had also been making same demand for payment of their unpaid salary.

7. The workman has also submitted that he has been dismissed from service without any charge sheet or holding of domestic enquiry. His dismissal is therefore in violation of the principles of natural justice. The order of dismissal thus passed is illegal and the workman is deemed to be in service of the management. That it is well settled law as laid down by the Hon'ble Supreme Court of India that no workman could be dismissed from service for misconduct unless he is issued a charge sheet and is given an opportunity to give explanation to the charges levelled against him. It is also well settled law that an employer cannot inflict any punishment much less the punishment of dismissal without holding an enquiry. In the present case, not only that no enquiry whatsoever was conduct but even an opportunity to submit an explanation was also not given. That dismissal of the workman, therefore, is illegal, unlawful and unjustified. The workman, therefore, has prayed the Labour Court that it may be pleased to set aside the dismissal of the workman and direct the management to reinstate him with full back wages and continuity of service.

8. The management has contested the claim of the workman and in its written statement has pleaded that the claimant Captain Pritam Singh is not a workman as defined in Sub-Section (S) of Section 2 of the Industrial Disputes Act. It is submitted that even from the letter dated 20.07.1997 of the alleged workman he being a senior commander and also chief of the operations was not a workman. Further, according to the Operation Manual Vol.-I. It is provided that Manager (Operation) is responsible to the president on all aspects of planning and efficient conduct of operation. It also provides that in the absence of the president he would carry out the duties of the president of the organization. That duties of manager operation are supervisory and managerial and so he is excluded from the definition of workman. Further the alleged workman was also approved to function as an examiner by the Directorate of Civil Aviation, Technical Centre Safdarjung Airport, New Delhi and so claimant Pritam Singh cannot claim himself to be a workman. Further, the management is a licensed Air Taxi Service Provider and is not a regular airline service and so it does not come within the definition of "industry" as provided by Section 2(J) of the ID Act. Hence the alleged workman cannot invoke the provisions of the Industrial Disputes Act. Further, the alleged retrenchment is not a retrenchment as provided by Section 2(00) of the ID Act. It is submitted that the alleged workman in total disregard of his duty malafide and arbitrarily and in total breach of his obligations to the management refused to undertake the regular scheduled flights to various destinations from 22.07.1997 onwards. That the workman left Mumbai for Delhi after refusing to fly on 22.07.1997 by another airline in spite of the fact that he was roistered and scheduled to fly the aircraft of the management on the afternoon of 23.07.1997 from Mumbai to Delhi. That the alleged workman was also instigating other pilots against the management. Thus the conduct of the alleged workman was not only willful and malafide but was also illegal. That the workman was guilty of grave dereliction of duty and misconduct. That the workman was illegally striking work and no notice for the same was given which resulted in the loss of Rs. 2.5 lakhs to the management on account of refund made to cancelled tickets and the matter was brought to the notice of The Directorate General of Civil Aviation vide letter dated 26.08.1997. The management has asserted that the services of the alleged workman have been terminated due to dereliction of duty, misconduct and refusal to carry out contractual obligations and so it cannot be said that his services have been dismissed or he has been retrenched from service. It is submitted that the workman has nowhere stated in the present ID that he is out of employment since the time his services were allegedly terminated. It is submitted that any prayer for reinstatement and back wages can only be entertained where the alleged workman has failed to get alternative employment. It is submitted that the alleged workman is gainfully self employed since the time his services were terminated by the management. He

has been running a compute centre which is a self employment. Almost similar rebuttal has been made while replying parewise the submissions made by the workman in his statement of claim. It is denied that the termination of the services of the alleged workman was in violation of the principles of natural justice. The management, therefore, has prayed for the dismissal of the claim made by the alleged workman in this case.

9. By filing a replication the workman has controverted the assertions made by the management in its written statement. It is reiterated that he is a workman as defined in Section 2(S) of the I D Act. It is denied that the management is not an industry under Section 2(J) of the I D Act. It is asserted that as per the judgment of the Hon'ble Supreme Court of India in the matter of Bangalore Water Supply, every systematic activity is an industry and it hardly matters whether the management is a private air taxi service or an airline. It is denied that the termination of the workman is not retrenchment in this case. It is reiterated that no punishment could be inflicted on a workman without holding domestic enquiry against him. The workman has reiterated his prayer made in the statement of claim.

10. After pleading were complete, my learned predecessor posted the case for recording of evidence *vide* his order dated 10.06.2002. The workman filed his evidence by way of affidavit and he was cross-examined from the side of the management and his cross-examination concluded on 07.07.2004. Thereafter the case was posted for recording of management evidence. They too were asked to file their evidence on affidavit. However, despite so many opportunities afforded to the management to lead evidence in this case they failed to lead any evidence. The management filed the affidavit of Mr. Subash Gulati, Ex-Chairman of the management and they sought various opportunities to produce him in the court for his statement and cross-examination by the AR for the workman but Mr. Subash Gulati never appeared in the court for tendering his affidavit and subjecting himself to cross-examination. On 16.02.2010 even none appeared from the side of the management and ultimately the right of the management to lead evidence had to be closed. It was also ordered that since the affidavit of the witness filed on record has not even been tendered due to the witness not appearing for the purpose the said affidavit was ordered to be excluded from consideration. On 09.12.2011 none was present from the side of the management. They earlier wanted to file written submissions. No one came to address oral arguments from the side of Management. Since the case was very old in which the reference was made on 16.12.1998, oral submissions made from the side of the workman were heard. The workman had already placed on record his written submissions. However, later on written submissions were also filed from the side of the management. I have gone through the written submission of both the sides.

11. The workman by filing his affidavit has fully supported his case as has been set up in the statement of claim. In his cross-examination from the side of the management, claimant Pritam Singh has stated that the nature of his duties were to fly the air crafts as commander and as examiner his duties were to take test of the other pilots and test their capability. He denied the suggestion that as senior commander he was to give direction to other pilots or co-pilots. He then stated that he did not know if the business of the management was stopped due to non operation of the air craft with effect from 01.01.1999 due to financial crises. He expressed no knowledge regarding any understanding arrived at between the commanders and pilots with the management on 14.10.1996 to reduce their pay by Rs. 48.000/- He denied the suggestion that he did not join/attend the duties on 22.07.1997 and thereafter at Bombay. He reiterated that on 22.07.1997 he was at Bombay and on that date he had operated the flight to ~~Bombay~~. He denied the suggestion that he did not operate the flights on 22-07-1997 and onwards or that he had instigated other co-pilots not to operate the flights of the respondent/management. He denied the suggestion that MD Mr. Gulati did not ask him to resign. He also denied the suggestion that his claim is false or that he has deposed falsely.

12. A close scrutiny of the evidence led by the claimant/workman in this case shows that his evidence could not be demolished from the side of the management during his cross-examination. The evidence of the workman almost remained unrebutted and there is absolutely no reason for me not to accept his evidence.

13. The management has primarily contended in this case that Captail Pritam Singh is not a workman and therefore, his case cannot be heard by this Industrial Tribunal-Cum-Labour Court. The claimant/workman on the other hand refutes the same very strongly and asserts that he is a workman as he was doing merely technical duties of flying the aircrafts.

14. It is now a settled position in law that an undue importance need not be given to the designation of an employee, or the class to which he belongs. A nomenclature and designation are not very much material for deciding whether an employee is a workman or not. What is required to be seen is as to what are the main and principle duties carried out by the official, *i.e.* whether these are technical, clerical or supervisory, administrative or managerial in character. If the main work done is of technical or clerical in nature, the mere fact that some supervisory duties were also carried out incidentally, the same will not convert the employment from that of a technical or clerical into one in supervisory capacity.

15. It has been held that in (1985) 3 SCC 371 that the nature of the work of a workman is to be ascertained from the dominant nature of duties performed by him and not by nomenclature. In another case, Anand Regional Co-

operative Society Union Vs Shailesh Kumar Harshadhai Shah 2006 (7) Scale 603, it has been held that for determining the question as to whether a person employed in an industry is a workman or not; not only the nature of work performed by him but also terms of the appointment in the job performed are relevant considerations. Supervision contemplates direction and control. While determining the nature of work performed by an employee, the essence of the matter should call for consideration. An undue importance need not be given to the designation of an employee, or the name assigned to and the class to which he belongs. What is needed to be asked is as to what are the primary duties he performs. For the said purpose, it is necessary to prove that there were some persons working under him whose work he was required to supervise. Being in charge of the section alone and that too it being a small one and relating to quality control would not answer the test.

In the case of 'Anand Bazar Patrika (P) Ltd. Vs Workman (1970) 3 SCC 248', it has been held that the question whether a person is employed in a supervisory capacity or on technical or clerical work depends upon whether the main and principal duties carried out by him are those of a supervisory character, or of a nature carried out by a technician or clerk. If a person is mainly doing supervisory work by incidentally or for a fraction of the time, also does some technical or clerical work, it would have to be held that he is employed in supervisory capacity and conversely, if the main work done is of technical or clerical nature, the mere fact that some supervisory duties are also carried out incidentally or a small fraction of the work done by him will not convert his employment as a technician or a clerk into one in supervisory capacity.

16. In the instant case it is abundantly clear that the main and principal duties of Shri Pritam Singh were to fly aircrafts. Sometime he was asked to take test of others pilots to test their capabilities. That too will essentially be of technical nature. Thus Shri Pritam Singh was doing the work of technical nature only. Even if incidentally he was doing some supervisory duty the same will not convert his employment from technical into one in any other capacity. He was definitely not performing managerial or administrative functions. It is thus abundantly clear that Shri Pritam Singh is a "workman" as defined under Section 2(S) of the Industrial Disputes Act 1947.

17. The management has faintly contended that they are not a regular airline service and so it does not come under the definition of 'Industry' as provided in Section 2(J) of the Industrial Disputes Act 1947. Refuting this argument the workman has contended that as per the judgment of the Hon'ble Supreme Court in the matter of

"Bangalore Water Supply" every systematic activity is an industry and it hardly matters whether the management is a private air taxi service or an airline. There is force in the submission made by the workman. The management has failed to contend satisfactorily that they are not an "Industry".

18. From the unrebutted evidence of the workman it is abundantly clear that his services were abruptly terminated by the management in a most illegal, unlawful and unjustified manner *vide* letter dated 23.7.1997 for alleged acts of misconduct without giving him any opportunity to explain. No domestic enquiry has been admittedly held by the management in this case before terminating the service of the workman. It is well settled that no workman can be dismissed for alleged misconduct unless he is issued a charge sheet and was given an opportunity to give his explanation to the charges levelled against him. A workman cannot be dismissed in the manner as has been done by the management in this case. The action of the management in terminating the services of workman Shri Pritam Singh thus cannot be held to be just, fair and legal. The same is clearly unfair, unjustified and illegal.

19. I therefore hold that the termination of service of workman Pritam Singh by the management is not just, fair and legal and rather the same is clearly unfair, unjustified and illegal. He is therefore held entitled to restatement in service with full back wages and continuity in service and all other benefits. The award is passed accordingly and the reference sent by the Govt. of India stands disposed off.

Further, it is ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated: 19.01.2012

SATNAM SINGH, Presiding Officer

नई दिल्ली, 3 फरवरी, 2012

का०आ० 793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० सी० सी० एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अंडाकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 149/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/02/2012 को प्राप्त हुआ था।

[स० एल-22013/1/2012-आई आर (सी-II)]

डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd February, 2012

S.O . 793.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the *Cent. Govt. Indus. Tribunal-cum-Labour court, Hyderabad (CGIT/LCID/149/2006)* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on **03.02.2012**.

[No. L-22013/1/2012-Ic(C-II)]

D.S.S. Srinivasa Rao, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT cum Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

The 16th Day of December, Two thousand and Eleven

Present: 1. Sri Ved Prakash Gaur : Presiding Officer.
2. Sri C. Niranjan Rao : Member
3. Sri : Member

(Constituted U/s 19 of the LAS Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22.8.2006)

In the matter of case No. LCID No. 149 of 2006/PLAC 66/2011

(On the file of CGIT cum Labour Court at Hyderabad)

Between
Mididoddi Rajesham, (EC No. 0917524), S/o Lachaiah, aged about 40 years, worked as Coal Filler at 6A Incline, RG Area-I, Singareni Collieries Company Ltd., Godavarikhani, Karimnagar Dist.Petitioner

AND

1. The Singareni Collieries Company Limited, represented by its Chief General Manager, RG-I Area, Godavarikhani, Karimnagar Dist.
2. The Superintendent of Mines, GDK 6A Incline, Singareni Collieries Company Ltd., Godavarikhani, Karimnagar District

....Respondents

This case is coming up before the Lok Adalat on 16.12.2011 for settlement in the presence of the applicant appearing in person/represented by his counsel Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M. Shamba Narayan on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following:

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- a. The petitioner workman agreed to treat his appointment as fresh appointment as **Badli Filler** without back wages and continuity of service subject to medical fitness by Company Medical Board.
- b. Irrespective of past designations, petitioner workman agrees to the appointment as **Badli Filler** afresh on.
- c. The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review every three months. In the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- d. Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- e. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as **Badli Filler** afresh.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant(s) Signature of Respondent (s)

Signature of Counsel Signature of Counsel for
for Applicant (s) Respondent (s)

Signature of Presiding Officer & Members of the Bench

1.	2.	3.
		-Sd./-
		Chairman,
		Lok Adalath
		CGIT-cum-Labour Court
		Hyderabad.

Note: This award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of LSA. ACT 1987.

नई दिल्ली, 03 फरवरी, 2012

का.आ० 794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० सी० सी० एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 139/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/02/2012 को प्राप्त हुआ था।

[सं एल-22013/1/2012-आई आर (सी-II)]

डीएसएस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd February, 2012

S.O. 794.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad (CGIT/ LCID/139/2007)* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *SCCL* and their workmen, which was received by the Central Government on 03.02.2012.

[No. L-22013/1/2012-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT cum Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

The 16th Day of December, Two thousand and Eleven

Present: 1. Sri Ved Prakash Gaur : Presiding Officer.
2. Sri C. Niranjan Rao : Member
3. Sri : Member

(Constituted U/s 19 of the LAS Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22.8.2006)

In the matter of case No. LCID No. 139 of 2007/PLAC 65/2011
(on the file of CGIT cum Labour Court at Hyderabad)

Between:

Md. Esaq. (E.C. No. 2362084), S/o S.K. Baba, aged about 30 years,

Ex. Coal filler at Kasipeta Mine, Mandamarri Area,
Singareni Collieries Company Limited,
Mandamarri, Adilabad Dist.

....Petitioner

AND

1. The Singareni Collieries Company Limited,
represented by its General Manager, Mandamarri Area,

Mandamarri, Adilabad District.

2. The Superintendent of Mines,
Kasipeta Mine, Mandamarri Area,
Singareni Collieries Company Limited,
Mandamarri, Adilabad District

....Respondents

This case is coming up before the Lok Adalat on 16.12.2011 for settlement in the presence of the applicant appearing in person/represented by his counsel Sri. K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri M.U.H. Rao on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following:

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- a. The petitioner workman agreed to treat his appointment as fresh appointment as **Badli filler** without back wages and continuity of service subject to medical fitness by Company Medical Board.
- b. Irrespective of past designations, petitioner workman agrees to the appointment as **Badli Filler** afresh on.
- c. The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review every three months. In the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- d. Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- e. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as **Badli Filler** afresh.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Signature of Applicant (s) Signature of Respondent (s)

Signature of Counsel for Applicant (s)	Signature of Counsel for Respondent (s)	54/2011 (On the file of CGIT cum Labour Court at Hyderabad)
Signature of Presiding Officer & Members of the Bench		
1.	2.	3.
-Sd./-		
Chairman Lok Adalat CGIT-cum-Labour Court Hyderabad.	P. Suresh Kumar, S/o Seetharamulu, (E.C. No. 2661593) aged about 33 years, Ex-Badli Coal Filler at RK-5 Incline/ SB, Singareni Collieries Company Limited, Srirampur, Adilabad Dist.	...Petitioner

Note: This award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of LSA ACT 1987.

नई दिल्ली, 3 फरवरी, 2012

का०आ० 795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० सी० सी० एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, हैदराबाद के पंचाट (एलसीआईडी संख्या 6/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/02/2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd February, 2012

S.O. 795.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad* (CGIT/LCID/6/2010) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 03.02.2012.

[No. L-22013/1/2012-IR(C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT cum Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

The 16th Day of December, Two thousand and Eleven

PRESENT: 1. Sri Ved Prakash Gaur : Presiding Officer.
2. Sri C. Niranjan Rao : Member
3. Sri : Member

(Constituted U/s 19 of the LAS Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22.8.2006)

In the matter of case No. LCID No. 6 of 2010/PLAC

Between

P. Suresh Kumar, S/o Seetharamulu, (E.C. No. 2661593)
aged about 33 years, Ex-Badli Coal Filler at RK-5 Incline/
SB,
Singareni Collieries Company Limited,
Srirampur, Adilabad District.Petitioner

AND

1. The Singareni Collieries Company Limited,
represented by its General Manager,
Srirampur Area, Srirampur, Adilabad District.

2. The Dy. General Manager,
RK-5 Incline,
Singareni Collieries Company Limited,
Srirampur Area, Srirampur, Adilabad District

....Respondents

This case is coming up before the Lok Adalat on 16.12.2011 for settlement in the presence of the applicant appearing in person/represented by his counsel Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri P.A.V.V.S. Sarma on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following:

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- The petitioner workman agreed to treat his appointment as fresh appointment as Badli filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- Irrespective of past designations, petitioner workman agrees to the appointment as Badli Filler afresh on.
- The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review every three months. In the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will

therefore brought the matter in to the notice of the C.G.M and C.D.O. of the State Bank of India, L.H.O., Bhubaneswar. But on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) *vide* his letter dated 21.2.2005. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government and the Government made the present reference. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30.9.2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived in as much as the 2nd Party-workman had already raised a similar dispute along with 124 other workers through the State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-management. In the said dispute the failure report was sent by the Asst. Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same is pending before this Tribunal being I.D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl. No. 46 in Annexure-A to the said reference. Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asst. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30.9.2004 and was signing bogus vouchers is not correct. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he had joined the Bank in March, 1990 and was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank nor he has completed 240 days of continuous service in any calendar year preceding the date of this alleged termination. In order to give an opportunity for permanent absorption to the ex-temporary employees/daily wagers in the Bank in view of the various settlements entered into between the All India State Bank of India Staff Federation and Management of the State Bank of India all eligible persons were called for interview. Since the 2nd Party-workman was not satisfying the eligibility criteria, he was not called for interview and hence he could not be empanelled for the same. The Union or the 2nd Party-workman has never challenged the implementation of the settlement, which has now gained

finality. It is further submitted that some of the wait-listed candidates, who could not be absorbed in the Bank's service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15.5.1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. This order of the Hon'ble High Court was also upheld by the Hon'ble Supreme Court of India in S.L.P. No. CC-3082/1999. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Shri Mantri were terminated much prior to the expiry of the panel, his claim has become stale by raising the dispute after lapse of a period of 10 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 10 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed:—

ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before this Tribunal on the same issue is legal and justified?
2. Whether the workman has worked for more than 240 days as enumerated under section 25-F of the Industrial Disputes Act?
3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Samir Kumar Mantri with effect from 30.9.2004 without complying the provisions of the I.D. Act, 1947 is legal and justified?
4. To what relief is the workman concerned entitled?
5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings at the stage of evidence by absenting himself or his Union representative.
6. The 1st Party-Management has adduced the oral evidence of Shri Krupasindhu Nayak as M.W.-1 and filed documents marked as Ext.-A to Ext.-J in reputation of the claim of the 2nd Party-workman.

FINDINGS

ISSUE NO. 1

7. A specific plea has been raised by the 1st Party-Management that a group of 125 employees including the 2nd Party-workman had already raised a similar dispute in I.D. Case No. 7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below for comparison

with the dispute in the present case—

Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workmen is entitled to?

8. The name of the 2nd party-workman appears at Sl. No. 46 in Annexure-A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered in one or the other way and the relief claimed is with regard to re-employment. But challenge has been made more specifically against the termination of service of the 2nd Party-workman in the present case while in I.D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested at the alter of facts and legal propositions. Therefore it cannot be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and against the 1st Party-Management.

ISSUE NO. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed in March, 1990 and worked till 30.9.2004 on temporary/casual/daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The 1st Party-Management, on the other hand, has alleged that the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. M.W.-1 Shri Krupasindhu Nayak in his statement before the Court has stated that "the disputant was working intermittently for few days in our branch on daily wage basis in exigencies He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of the termination". He has denied the allegation that the workman was

discontinued with effect from 30.9.2004, but stated that "in-fact the workman left from working in the branch since November, 1990". Thus he had never worked after 1990. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days continuously during a period of 12 calendar months preceding the date of his so-called termination as per provisions of Section 25-F of the Industrial Disputes Act, 1947. Therefore, it cannot be said that the services of the 2nd Party-workman were terminated without complying the provisions of the Industrial Disputes Act, 1947. This issue is thus decided against the 2nd Party-workman for failing to prove that he had worked for 240 days continuously during a period of 12 calendar months preceding the date of his disengagement or alleged termination from service.

ISSUE NO. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-Management during a period of 12 calendar months preceding the date of his disengagement or alleged termination, he is not entitled for re-employment even in case of his alleged illegal and arbitrary termination. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Samir Kumar Mantri with effect from the alleged date of his termination is fair, legal and justified and cannot be said to be in contravention of the provisions of the Industrial Disputes Act, 1947. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

ISSUE NO. 4

11. In view of the findings recorded above under Issue No. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

Jitendra Srivastava, Presiding Officer

नई दिल्ली, 3 फरवरी, 2012

का०आ० 797.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दी लक्ष्मी विलास बैंक लि० प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण बंगलौर के पंचाट (संदर्भ संख्या 34/2004) की प्रकाशित करती है, जो केन्द्रीय सरकार को 25-01-2012 को प्राप्त हुआ था।

[सं. एल-12012/31/2004-आईआर (बी-I)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 3rd February, 2012

S.O. 797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 34/2004 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, BANGALORE* as shown in the Annexure, in the industrial dispute between the management of *The Lakshmi Vilas Bank Limited*, and their workmen, received by the Central Government on 25/01/2012.

[No. L-12012/31/2004-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

Central Government Industrial Tribunal-cum-Labour Court, Bangalore

Dated: 9th January, 2012

Present

Shri S.N. Navalgund
Presiding Officer

C.R. No. 34/2004

I Party

Shri Rajeshkhar, M
S/o Shri Y.M. Mallappa,
D. No. 2612, 2nd Cross,
Gandhinagar,
Mandyā,
Mandyā Dist-570401

II Party

The Divisional Manager,
Divisional Officer,
The Lakshmi Vilas Bank Limited,
568, 38th Cross, 11th Main, 1 Floor,
5th Block, Jayanagar,
Bangalore

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section(1) and Sub section 2A of Section 10 of the Industrial Disputes Act, 1947(14 of 1947) has referred this dispute *vide* order No. L-12012/31/2004-IR(B-1) dated 13.05.2004 for adjudication on the

following Schedule.

SCHEDULE

"Whether the management of Lakshmi Vilas Bank Ltd., is justified having deleted the name of Shri M. Rajashekhar, Ex. Temporary Peon from the panel with effect from 05.05.1999? If not, what relief the workman is entitled to and from which date?"

2. Pursuant to the receipt of the reference and the notices issued by this tribunal both sides entered their appearance through their respective advocates and the first party filed claim statement on 30.09.2004 whereas the second party filed its counter statement on 11.04.2005.

3. In the Claim statement filed by the first party it is stated that he was appointed by the second party to work at its Mandya Branch as a Peon under order bearing No. Per/8/12/91-92 dated 12.02.1992 and accordingly on the very day he joined the services and from that date onwards he rendered his services honestly, diligently and sincerely but abruptly w.e.f. 5.05.1999 he was refused employment without giving any reason, without making any enquiry or complying with the mandatory requirements of Section 25 F clause (a) & (b) of the Industrial Disputes Act and as his request to the authorities of the second party did not materialize he approached the jurisdictional Labour and Conciliation Officer and as the second party did not respond to continue his employment it ended in failure and ultimately the Central Government made this reference for adjudication. In the counter statement containing 9 pages filed by the second party it is contended that it has been engaging temporarily persons to work in leave vacancies of regular sub staff in different branches in subordinate cadre and during 1989 the issue of persons engaged temporarily who were working in leave vacancies of permanent subordinate staff was examined and discussions were held with the Lakshmi Vilas Bank Employees Union, the sole and recognized union of the award staff of the bank with a view to streamline/lay down procedure and guidelines for recruitment and regularization of persons engaged on leave vacancies and for uniform implementation of the same at various branches of the second party an agreement was entered into as under:—

- The engagement of empanelled persons is for the purpose of leave vacancy of the permanent sub staff.
- The engagement of such persons shall be confined to that branch only.
- Each branch will have a panel of persons eligible to be engaged in leave vacancies of permanent sub staff and the number of persons so listed in the panel of any branch shall be equivalent to the number of regular sub staff strength of the branch.

- (d) The empanelled persons shall be offered to work in leave vacancies of the permanent sub staff in such a manner to ensure that the empanelled persons so engaged shall work for a period not exceeding 5 days in one stretch or exceeding 15 days in a month or in broken periods.
- (e) The bank shall maintain a seniority list for each State and the empanelled person shall be entitled in such State wise seniority list on the basis of the respective states of the first entry into the service of the bank and such date of entry shall determine inter seniority among them. The empanelled persons will be called for interview on the basis of Seniority List for recruitment.
- (f) The permanent vacancies in the subordinate cadre shall be filed up subject to the provisions of the Settlement from among the empanelled persons on the basis of State Seniority and for such purpose the number of persons called for interview shall not exceed twice the number of vacancies to be filled up.
- (g) Any empanelled persons not selected at the interview shall continue to be in the panel in the same branch or in the office and shall continue to be eligible for further recruitment until he completes the 27 years of age. Any person, who has completed 27 years of age shall have his name automatically deleted from the panel of Seniority list.
- (h) The settlement also contain provisions for registrations of empanelled candidates with the Employment Exchange, stipulation to the effect that the purpose of enlistment of such persons in the bank, the empanelled person shall have completed 18 years of age and shall not have completed 25 years of age on the date of application to the branch/ office and their qualification should be 7th standard passed or 8th standard failed or discontinued.

4. It is further contended as per clause 'g' of the agreement any empanelled persons not selected at the interview shall continue to be in the panel in the same branch or in the office and shall continue to be eligible for future recruitment until he completes the 27 years of age and any person who has completed 27 years of age shall have his name automatically deleted from the panel of seniority list. The first party's date of birth being 05.04.1972 he completed the age of 27 years on 4.04.1999 as such as per the terms of the agreement his name has been removed from the panel w.e.f. 05.05.1999 and as he has not worked for 240 days in any of the year from 1993 to 1999 the provisions of Section 25 F have not been attracted in the instant case. Thus it claims the impugned action of deleting his name from the panel is justified.

5. When the second party was called upon to

substantiate its impugned action while filing the affidavit of its Legal Officer Shri V. Gururaj on 02-08-2005 examining him on oath as MW1 got marked copy of circular No. 39/ 89-90 dated 29.11.1989 regarding creation of panel for engagement of temporary persons copy of circular No. 41/ 89-90 dated 15-12-1989 containing the terms and conditions for engagement of temporary persons and conditions for engagement of temporary persons copy of minutes of the discussion held between the Lakshmi Vilas Bank and its workmen represented by Lakshmi Vilas Bank Employees Union over recruitment and regularization of persons engaged in leave vacancies on 10.11.1989 and Copy of the circular No. 34/94-95 dated 02.02.1995 in respect of engagement of temporary peon during the leave vacancy of permanent staff as Ex. M1 to M4 respectively. Inter alia while filing the affidavit of the first party examining him on oath as WW1 copy of letter addressed by him to branch Manager, Lakshmi Vilas Bank Limited, Mandya dated 29.05.2007; letter addressed to Divisional Manager, Lakshmi Vilas Bank Ltd., Bangalore dated 9.07.2007 & 12.10.2007; three postal acknowledgement having served them on Divisional Manager, Lakshmi Vilas Bank, Bangalore and Manager, Mandya Branch; extract of his SB account with Mandya Branch; reply received by him dated 24.10.2007 & 12.10.2007 as Ex. W1 to W6 respectively.

6. With the above pleadings; oral and documentary evidence when the learned advocates appearing for the parties were called upon to address their arguments the learned advocate appearing for the second party addressed his arguments whereas the counsel appearing for the first party filed his written arguments on 17.11.2011 and today I heard the reply given by the counsel for the second party.

7. On appreciation of the pleadings, oral and documentary evidence brought on record by both the sides in the light of the arguments put forward by the learned advocates appearing for both sides I arrived at the conclusion of rejecting the reference holding that the impugned action is justified for the following reasons.

Reasons:

8. There is no dispute about the fact that the first party's services was availed by the second party at its Mandya branch as casual employee to work in leave vacancies of regular sub staff w.e.f. 12.02.1992 and that he has been removed from the panel maintained in that respect w.e.f. 5.5.1999 on the ground that he attained the age of 27 years as on 04.04.1999 being born on 5.04.1972. It is claimed that the second party which has been engaging temporarily persons to work in leave vacancies of regular sub staff in different branches in subordinate cadre, during 1989 i.e. prior to availing the services of first party the issue of persons engaged temporarily who were working in leave vacancies of permanent subordinate staff was examined and discussions were held with the Lakshmi Vilas Bank Employees Union the sole and recognized union of the

award staff of the bank with a view to streamline/lay down procedure and guidelines for recruitment and regularization of persons engaged in leave vacancies and for uniform implementation of the same at various branches of the second party and the said discussions culminated in signing of an agreement/minutes of discussion on 10.11.1989 and according to clause 'g' of that agreement an empanelled person not selected at the interview shall continue to be in the panel in the same branch or in the office and shall continue to be eligible for future recruitment until he completes 27 years of age and a person who has completed 27 years of age shall have his name automatically deleted from the panel of the seniority list and accordingly the first party being born on 05.04.1972 attained 27 years of age on 04.04.1999 after one month of attaining 27 years of age his name has been removed from the panel. To substantiate this contention on behalf of the second party the copy of the minutes of the discussion has been produced at Ex. M4 which stipulates removal of the empanelled casual employee from the panel incase he is not selected at the interview before he completes 27 years of age. In consonance of the terms of the minutes of this discussion the bank has also issued a circular No. 34/94-95 dated 02.02.1995 and as unequivocally admitted by the first party in his cross examination that his date of birth is 05.04.1972 and that he completed 27 years of age as on

4.04.1999, no fault could be found with second party/management in removing his name from the panel w.e.f. 05.05.1999 i.e. after one month of the attaining the age of 27 years. As such the first party though served as temporary casual employee from 12.02.1992 till 05.05.1999 as he failed to bring on record in any calendar year during this period he having served for a period of 240 days to attract the provisions of Section 25 F of the Industrial Dispute Act, no occasion has arisen in the instant case to comply the provisions of Section 25 F of ID Act by the second party. Under the circumstances the action of the management of Lakshmi Vilas Bank Ltd in deleting the name of Shri M. Rajashekhar, first party from the panel of temporary employees w.e.f. 05.05.1999 is justified as such he is also not entitled for any relief.

9. In the result I pass the following Award:

AWARD

The reference is rejected holding that the action of the management of Lakshmi Vilas Bank Ltd, having deleted the name of Shri M. Rajashekhar, Ex. Temporary Peon from the panel w.e.f. 05.05.1999 is justified and that he is not entitled for any relief.

(Dictated to PA transcribed by her corrected and signed by me on 09.01.2012)

S.N. NAVALGUND, Presiding Officer